

COMMONWEALTH of VIRGINIA

Board of Education Agenda

Date of Meeting: September 27, 2006

Time: As Shown

Location: Jefferson Conference Room, 22nd Floor, James Monroe Building
101 North 14th Street, Richmond, Virginia



9:00 a.m. FULL BOARD CONVENES

Moment of Silence

Pledge of Allegiance

Approval of Minutes of the July 26, 2006, Meeting of the Board

Recognition for Outstanding Service

- Mr. Thomas G. Johnson, Jr., Member of the Board of Education, 2003-2006
- Mr. Thomas M. Jackson, Jr., Member of the Board of Education, 2002-2006, and President, 2003-2006

Public Comment

Reports on Board of Education Committees

- A. Report from Board of Education Committee Chairs

Consent Agenda

- B. Final Review of Financial Report on Literary Fund
- C. Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Fund or Placement on a Waiting List
- D. First Review of Proposed Repeal of the *Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits* (8 VAC 20-350-10 et seq.)
- E. First Review of the Notice of Intended Regulatory Action (NOIRA) to Amend the *Regulations Governing Educational Services for Gifted Students* (8 VAC 20-40-10 et seq.)

Action/Discussion Items

- F. First Review of a Request to Extend Approval of an Alternative Accreditation Plan and Approval of an Accreditation Rating for Hampton Harbour Academy from the Hampton City Public Schools
- G. First Review of a Request to Extend Approval of an Alternative Accreditation Plan and Approval of Accreditation Ratings for Mt. Vernon Middle School and New Bridge School in Henrico County Public Schools
- H. First Review of a Request from Fairfax County Public Schools for a Pilot Program Using Additional Warning Lights on School Buses
- I. Final Review of Pupil Transportation Specifications for School Buses
- J. Request to Secretary of Education to Approve the Department of General Services to Proceed with the Design Work to Consolidate the Virginia Schools for the Deaf and the Blind as Authorized by the General Assembly in the 2006 Session
- K. First Review of English Language Proficiency Standards of Learning
- L. First Review of Updates to the *Student Conduct Policy Guidelines*
- M. First Review of the Proposed Revisions to the Guidance Document Governing Certain Provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-05 et seq.)
- N. First Review of a Plan to Identify Provisions of the *No Child Left Behind Act of 2001* That are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program (HB 1427 and SB 410) and The Federal No Child Left Behind Act Waiver and Exemption Requests Made by the Virginia Board of Education (HB 1428)
- O. First Review of Proposed Amendments to Virginia's *No Child Left Behind* Accountability Workbook Affecting Calculations of Adequate Yearly Progress (AYP) for the 2007-2008 School Year Based on Assessments Administered in 2006-2007
- P. Final Review of Proposed Response to *No Child Left Behind* (NCLB) Compliance Monitoring Report on Highly Qualified Teachers
- Q. Final Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, and the Advisory Board for Teacher Education and Licensure

Report

R. Annual Report: State Special Education Advisory Committee

DISCUSSION OF CURRENT ISSUES - by Board of Education Members and Superintendent of Public Instruction

EXECUTIVE SESSION

ADJOURNMENT

IMMEDIATELY FOLLOWING ADJOURNMENT OF BUSINESS SESSION:

- S. Public Hearing on Proposed Revisions to the *Regulations for Conducting Division-Level Academic Reviews* (8 VAC 30-700-10 et seq.)
- T. Public Hearing on *Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions* (8 VAC 20-710 et seq.)

PUBLIC NOTICE

The Board of Education members will meet for dinner at 6:30 p.m. at the Crowne Plaza Hotel on Tuesday, September 26, 2006. Items for the Board agenda may be discussed informally at that dinner. No votes will be taken, and it is open to the public. The Board president reserves the right to change the times listed on this agenda depending upon the time constraints during the meeting.

GUIDELINES FOR PUBLIC COMMENT

1. The Board of Education is pleased to receive public comment at each of its regular monthly meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will generally be limited to thirty (30) minutes. Individuals seeking to speak to the Board will be allotted three (3) minutes each.
2. Those wishing to speak to the Board should contact Dr. Margaret Roberts, Executive Assistant for Board Relations at (804) 225-2924. Normally, speakers will be scheduled in the order that their requests are received until the entire allotted time slot has been used. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue.
3. Speakers are urged to contact Dr. Roberts in advance of the meeting. Because of time limitations, those persons who have not previously registered to speak prior to the day of the Board meeting cannot be assured that they will have an opportunity to appear before the Board.
4. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Board of Education Agenda Item

Item: _____ A. _____

Date: September 27, 2006

Topic: Report from Board of Education Committee Chairs

Presenters: Chairs and Co-chairs of Board of Education Committees

Origin:

☒ Topic presented for information only (no board action required)

☐ Board review required by
 ☐ State or federal law or regulation
 ☐ Board of Education regulation
 ☐ Other:

☐ Action requested at this meeting

☐ Action requested at future meeting

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action:
 date:
 action:

Background Information: Article Nine, Section 1 of the Board of Education's bylaws states the following:

ARTICLE NINE: COMMITTEES

Section 1. Standing and Special Committees. The Board may create standing committees composed of Board members and non-Board members, as it shall deem appropriate, and impose upon such committee or committees such functions and duties, and grant such rights, powers, and authority as the Board shall prescribe. The President shall appoint all members to serve on standing committees. Special committees of the Board may be established and appointed by the President for specific assignments. All special committees shall report their findings and recommendations to the Board. All special committees shall dissolve upon the completion of their stated assignment or by act of the President.

The Board of Education has five standing committees that have been established to study and make recommendations regarding important issues. The membership consists of Board members, and the work of the committees is facilitated by Department of Education staff, as needed.

The committees of the Board of Education are as follows:

- Committee on School and Division Accountability: Mr. David L. Johnson, chair
- Committee on Quality Preschool Programs: Mrs. Eleanor B. Saslaw, chair
- Committee on Literacy: Mrs. Isis M. Castro, chair
- Committee on Graduation and Dropout Rates: Dr. Ella P. Ward and Mr. Andrew J. Rotherham, co-chairs
- Committee on Standards of Quality: Dr. Gary L. Jones, chair

Note: The Board of Education has established a special committee, the Charter School Application Review Committee, chaired by Mrs. Saslaw. This committee meets when charter school application review requests are received by the Board; therefore the special committee is not reporting at this time.

Summary of Major Elements: The chairs and co-chairs will give a brief overview of the purpose and the work plan for their respective committees. Included in the report will be the following information:

- Purpose of the committee
- Dates of meetings held to date and the projected timeline for future meetings
- Major topics/issues to be covered by the committee
- General plan of work

Superintendent's Recommendation: N/A

Impact on Resources: The operating expenses and other costs associated with the meetings and functions of the Board of Education's committees are provided through the Department of Education's operating funds.

Timetable for Further Review/Action: The president of the Board of Education will call for reports and updates at future meetings.

Board of Education Agenda Item

Item: B.

Date: September 27, 2006

Topic: Final Review of Financial Report on Literary Fund

Presenter: Mr. Kent C. Dickey, Budget Director

Telephone Number: (804) 225-2025 E-Mail Address: Kent.Dickey@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____ (date)

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action

date _____

action _____

Background Information:

In accordance with the provisions of the *Code of Virginia*, Chapter 10, Section 22.1-142, the Board of Education is responsible for the management of the Literary Fund. This report reflects the status of the Literary Fund and the status of the Reserve Fund, which is in the custody of the Virginia Public School Authority (VPSA). The report also reflects the total principal of the fund, as well as cash, investments, and all short-/long-term loans in both funds.

Summary of Major Elements

Attachment A reflects the financial position of the Literary Fund as of June 30, 2006. The information presented in this report reflects the commitments against the Literary Fund as of June 30, 2006.

Attachment B reflects the currently active projects as of June 30, 2006.

Attachment C represents the projects that have closed and for which full payment from the Literary Fund has been made since the last Board meeting.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends approval of the financial report (including all statements) on the status of the Literary Fund as of June 30, 2006.

Impact on Resources:

As funds become available in the Literary Fund, recommendations will be made to the Board for funding priority projects and those projects at the top of the First Priority Waiting List, with cash reduced as loan requests are processed.

Timetable for Further Review/Action:

The Department staff will prepare a quarterly financial report on this fund for Board approval. Information also will be presented each quarter, as part of another agenda item, regarding those projects on the two waiting lists.

BOARD OF EDUCATION
STATEMENT OF THE FINANCIAL POSITION OF THE LITERARY FUND
(as of June 2006)

| Line Reference | | <u>June 30, 2006</u> | <u>May 31, 2006</u> | <u>Increase/(Decrease)</u> |
|-------------------|---|----------------------|---------------------|----------------------------|
| | PRINCIPAL BALANCE | | | |
| 1. | Cash and investments maintained by State Treasurer | 119,513,647 | 191,723,156 | (72,209,510) |
| 2. | Loans received from local school boards (secured by promissory notes) | 0 | 0 | 0 |
| 3. | Cash and investments in custody of Virginia Public School Authority (VPSA) | 0 | 0 | 0 |
| 4. | Long-term loans in custody of Virginia Public School Authority (VPSA) | 346,801,400 | 348,889,845 | (2,088,445) |
| 5. | Total Principal of Literary Fund | 466,315,047 | 540,613,001 | (74,297,955) |
| | CURRENT COMMITMENTS AGAINST LITERARY FUND REVENUE | | | |
| 6. | Balance due on active projects (Attachment B) | 1,648,754 | 9,482,719 | (7,833,964) |
| 7. | Debt service on VPSA equipment notes ¹ | 0 | 0 | 0 |
| 8. | Interest rate subsidy ² | 0 | 0 | 0 |
| 9. | Trigon Reserve | 5,657,429 | 5,657,429 | 0 |
| 10. | Transfer for Teacher Retirement ³ | 0 | 125,854,700 | (125,854,700) |
| 11. | Other Encumbrances held by Treasurer of Virginia | 10,234 | 10,234 | 0 |
| 12. | Required Carry Forward Balance (Updated based on Chapter 2) | 78,407,027 | 61,183,377 | 17,223,650 |
| 13. | Total of Literary Fund Commitments | 85,723,444 | 202,188,458 | (116,465,014) |
| | FUNDS AVAILABLE FOR CURRENT COMMITMENTS AND NEW LOANS | | | |
| 14. | Cash and investments maintained by State Treasurer (Line 1) | 119,513,647 | | |
| 15. | Less commitments against Literary Fund Revenues (Line 13) | (85,723,444) | | |
| 16. | Balance Available to Fund New Projects Currently on Waiting List - (Additional Funds Needed to Meet Commitments) | 33,790,202 | | |

NOTES:

¹ Chapter 2 approved June 9, 2006, requires \$62,207,650 to be set aside for debt service on equipment notes. (Final payments of \$3,590,315 made in October 2005 and \$58,159,668 in April 2006.)

² Chapter 2 approved June 9, 2006, requires \$25,000,000 to be set aside for an interest rate subsidy program. (Subsidy sale complete; actual cost of \$14,889,363.21.)

³ Chapter 2 approved June 9, 2006, requires \$125,854,700 to be transferred from the Literary Fund to pay teacher retirement in fiscal year 2006. (Payment was made in June 2006)

ACTIVE PROJECTS AS OF JUNE 30, 2006

| Application Number | School Division | School | Release Date | Funds Approved for Release | Actual Funds Disbursed | Balance Due | Percent Drawn |
|---------------------------|-------------------|-------------------------|--------------|-------------------------------|---------------------------|----------------|------------------|
| <hr/> | | | | | | | |
| Literary Loans | | | | | | | |
| <i>No Projects</i> | | | | | | | |
| Subsidy Grants | | | | | | | |
| 10999 | Franklin City | Franklin High School | 1999 Subsidy | 263,300 | (193,131) | 70,169 | 73.35% |
| 11062 | Chesapeake City | Butts Road Intermediate | 2001 Subsidy | 85,594 | (77,881) | 7,713 | 90.99% |
| 11102 | Washington County | Rhea Valley Elem | 2001 Subsidy | 168,673 | (165,235) | 3,438 | 97.96% |
| 11111 | Patrick County | Woolwine Elementary | 2002 Subsidy | 50,763 | (44,263) | 6,500 | 87.20% |
| 11131 | Stafford County | Stafford Elementary | 2003 Subsidy | 659,305 | (659,178) | 127 | 99.98% |
| 11096 | Washington County | Abingdon High | 2003 Subsidy | 34,943 | (10,234) | 24,709 | 29.29% |
| 11098 | Washington County | Holston High | 2003 Subsidy | 20,949 | - | 20,949 | 0.00% |
| 11097 | Washington County | John S. Battle High | 2003 Subsidy | 30,210 | - | 30,210 | 0.00% |
| 11099 | Washington County | Patrick Henry High | 2003 Subsidy | 30,181 | - | 30,181 | 0.00% |
| 11100 | Washington County | Valley Institute | 2003 Subsidy | 5,861 | - | 5,861 | 0.00% |
| 11151 | Nottoway County | Blackstone Primary | 2004 Subsidy | 54,632 | (40,393) | 14,239 | 73.94% |
| 11150 | Nottoway County | Crewe Primary | 2004 Subsidy | 191,790 | (161,572) | 30,218 | 84.24% |
| 11181 | Grayson County | Grayson Middle | 2005 Subsidy | 138,831 | - | 138,831 | 0.00% |
| 11179 | Accomack County | Nandua Middle | 2005 Subsidy | 793,856 | (329,323) | 464,534 | 41.48% |
| 11188 | Roanoke City | Fallon Park Elementary | 2005 Subsidy | 113,701 | (641) | 113,060 | 0.56% |
| 11190 | Hanover County | Hanover Elementary | 2005 Subsidy | 152,269 | - | 152,269 | 0.00% |
| 11208 | Henry County | Mt. Olivet Elementary | 2005 Subsidy | 535,747 | - | 535,747 | 0.00% |
| | | | | <hr/> | | | |
| | | | | \$ | 3,330,605 | \$ (1,681,851) | \$ 1,648,754 |

September, 2006

PROJECT REIMBURSEMENTS COMPLETED AS OF JUNE 30, 2006

| Application Number | School Division | School | Release Date | Funds Approved for Release | Actual Funds Disbursed | Funds Returned | Balance Due | Percent Drawn |
|-------------------------------|------------------------|-------------------------|---------------------|---------------------------------------|-----------------------------------|---------------------------|------------------------|--------------------------|
| 10975 | Clarke County | Johnson Williams Middle | 9/28/2000 | 7,500,000 | 0.00 | \$ 7,500,000 | \$ - | N/A |
| 11105 | Russell County | Honaker Elementary | 2002 Subsidy | 325,917 | (325,917) | \$ - | \$ - | 100.00% |
| | | | | \$ 7,825,917 | (325,917) | \$ 7,500,000 | \$ - | |

September, 2006

Board of Education Agenda Item

Item: C.

Date: September 27, 2006

Topic: Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List

Presenter: Mr. Kent C. Dickey, Budget Director

Telephone Number: (804) 225-2025 **E-Mail Address:** Kent.Dickey@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

_____ Board of Education regulation

Other: _____

 X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

| Previous review/action |
|------------------------|
| <p>1</p> |

date

action

Background Information:

The Literary Fund regulations of the Board establish two priorities for the Literary Fund Waiting Lists. These priorities are summarized as follows:

Priority 1: Applications from localities having a composite index less than 0.6000 and indebtedness (including the application considered for release of funds) less than \$20 million to the Literary Fund (Attachment A).

Priority 2: Applications from localities having a composite index of 0.6000 or above or an indebtedness (including the application considered for release of funds) of \$20 million or greater to the Literary Fund (Attachment B).

Attachment C is the Board of Education's current Approved Application List. This attachment identifies the Literary Fund applications that are approved as to form but are not included on either waiting list nor are they recommended for funding.

Summary of Major Elements:

To the extent funds are available, a recommendation for initial release of funds is presented for projects currently on the First Priority Waiting List or otherwise eligible for priority funding. To the extent funds are not available, new requests for the initial release of Literary Funds cannot be approved. As a result, such requests must be deferred and placed on either the First or Second Priority Waiting List in accordance with the Literary Fund regulations.

This item requires action by the Board of Education for two new projects listed on Attachment A, totaling \$15,000,000, that are eligible for placement on the First Priority Waiting List, subject to review and approval by the Office of the Attorney General pursuant to § 22.1-156, *Code of Virginia*.

Superintendent's Recommendation:

No funds are available at this time to release loans for projects on the First Priority Waiting List.

The Superintendent of Public Instruction recommends that the Board of Education approve the actions described in the element listed under "Summary of Major Elements."

Impact on Resources:

Current Board policy provides that, upon initial release of funds, Literary Fund cash is reduced in the total amount of the approved loan to assure that cash is available as required for project completion. The disbursement of funds is based on actual invoices or other evidence of bills due and payable from the Literary Fund.

Timetable for Further Review/Action:

The staff will prepare items for the Board on this subject as needed. Based on the availability of funds, initial release of funds will be made or projects will be deferred and placed on the Waiting List.

VIRGINIA BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Priority | Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total | Action/Status |
|----------|--------------------------------|--------------------|--|------------------|-----------|---------------------|------------------|
| 1 | July, 2002 | Newport News City | General Stanford Elementary ¹ | 2% | 7,500,000 | 7,500,000 | Funding Deferred |
| 2 | March, 2003 | Franklin County | Windy Gap Elementary | 3% | 7,500,000 | 15,000,000 | Funding Deferred |
| 3 | June, 2003 | Galax City | Galax Elementary | 3% | 2,000,000 | 17,000,000 | Funding Deferred |
| 4 | June, 2003 | Sussex County | Sussex Central Middle | 3% | 7,500,000 | 24,500,000 | Funding Deferred |
| 5 | June, 2003 | Alleghany County | Falling Springs Elementary | 2% | 2,000,000 | 26,500,000 | Funding Deferred |
| 6 | June, 2003 | Alleghany County | Callaghan Elementary | 2% | 1,000,000 | 27,500,000 | Funding Deferred |
| 7 | June, 2003 | Alleghany County | Sharon Elementary | 2% | 1,000,000 | 28,500,000 | Funding Deferred |
| 8 | June, 2003 | Stafford County | New Elementary 2004 | 3% | 7,500,000 | 36,000,000 | Funding Deferred |
| 9 | February, 2004 | Mecklenburg County | South Hill Elementary | 3% | 7,500,000 | 43,500,000 | Funding Deferred |
| 10 | April, 2004 | Greene County | William Monroe High ¹ | 3% | 4,000,000 | 47,500,000 | Funding Deferred |
| 11 | April, 2004 | Greene County | William Monroe Middle ¹ | 3% | 5,000,000 | 52,500,000 | Funding Deferred |
| 12 | April, 2004 | New Kent County | G. W. Watkins Elementary ¹ | 4% | 7,500,000 | 60,000,000 | Funding Deferred |
| 13 | June, 2004 | Page County | Page County High | 2% | 7,500,000 | 67,500,000 | Funding Deferred |
| 14 | June, 2004 | Page County | Luray High ¹ | 2% | 7,500,000 | 75,000,000 | Funding Deferred |
| 15 | September, 2004 | Roanoke City | Patrick Henry High ¹ | 3% | 7,500,000 | 82,500,000 | Funding Deferred |
| 16 | January, 2005 | Portsmouth City | Park View Elementary ¹ | 2% | 7,500,000 | 90,000,000 | Funding Deferred |
| 17 | January, 2005 | Campbell County | Yellow Branch Elementary ¹ | 2% | 7,500,000 | 97,500,000 | Funding Deferred |
| 18 | January, 2005 | Russell County | Lebanon Primary ¹ | 2% | 4,000,000 | 101,500,000 | Funding Deferred |
| 19 | January, 2005 | Brunswick County | Brunswick High ¹ | 2% | 7,500,000 | 109,000,000 | Funding Deferred |
| 20 | June, 2005 | Staunton City | A. R. Ware Elem ¹ | 3% | 7,500,000 | 116,500,000 | Funding Deferred |
| 21 | June, 2005 | Staunton City | T. C. McSwain Elem ¹ | 3% | 7,500,000 | 124,000,000 | Funding Deferred |
| 22 | June, 2005 | Wythe County | Max Meadows Elem ¹ | 3% | 4,100,000 | 128,100,000 | Funding Deferred |
| 23 | June, 2005 | Warren County | West Warren High ¹ | 3% | 7,500,000 | 135,600,000 | Funding Deferred |
| 24 | June, 2005 | Warren County | East Warren High ¹ | 3% | 7,500,000 | 143,100,000 | Funding Deferred |
| 25 | September, 2005 | Halifax County | Halifax Middle ¹ | 2% | 7,500,000 | 150,600,000 | Funding Deferred |
| 26 | September, 2005 | Henry County | G. W. Carver Elementary ¹ | 2% | 3,500,000 | 154,100,000 | Funding Deferred |

VIRGINIA BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Priority | Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total | Action/Status |
|----------|--------------------------------|--------------------|--|------------------|-----------|---------------------|------------------|
| 27 | March, 2006 | Colonial Beach | Colonial Beach Middle ¹ | 2% | 4,000,000 | 158,100,000 | Funding Deferred |
| 28 | March, 2006 | Martinsville City | Patrick Henry Elementary ¹ | 2% | 2,500,000 | 160,600,000 | Funding Deferred |
| 29 | March, 2006 | Waynesboro City | Kate Collins Middle ¹ | 3% | 7,500,000 | 168,100,000 | Funding Deferred |
| 30 | March, 2006 | Rockingham County | Hillyard Middle ¹ | 3% | 7,500,000 | 175,600,000 | Funding Deferred |
| 31 | March, 2006 | Rockingham County | Wilbur S. Pence Middle ¹ | 3% | 7,500,000 | 183,100,000 | Funding Deferred |
| 32 | March, 2006 | Halifax County | South Boston Elementary ¹ | 2% | 3,633,159 | 186,733,159 | Funding Deferred |
| 33 | March, 2006 | Culpeper County | Culpeper County High ¹ | 3% | 7,500,000 | 194,233,159 | Funding Deferred |
| 34 | March, 2006 | Henry County | Campbell Court Elementary ¹ | 2% | 4,000,000 | 198,233,159 | Funding Deferred |
| 35 | March, 2006 | Augusta County | Stuarts Draft High School ¹ | 3% | 7,500,000 | 205,733,159 | Funding Deferred |
| 36 | March, 2006 | Augusta County | Wilson Memorial High School ¹ | 3% | 7,500,000 | 213,233,159 | Funding Deferred |
| 37 | June, 2006 | Dinwiddie County | New High School ¹ | 2% | 7,500,000 | 220,733,159 | Funding Deferred |
| 38 | June, 2006 | Dinwiddie County | New Elementary School ¹ | 2% | 7,500,000 | 228,233,159 | Funding Deferred |
| 39 | June, 2006 | Nottoway County | Nottoway Intermediate and Middle School ¹ | 2% | 3,000,000 | 231,233,159 | Funding Deferred |
| 40 | June, 2006 | King George County | New High School ¹ | 3% | 7,500,000 | 238,733,159 | Funding Deferred |

New projects to be added with funding deferred until funds are approved for release by separate action by the Board of Education

| | | | | | | | |
|----|-----------------|-----------------|-----------------------------------|----|-----------|-------------|----------------------|
| 41 | September, 2006 | Caroline County | Ladysmith Elementary ¹ | 3% | 7,500,000 | 246,233,159 | Add/Funding Deferred |
| 42 | September, 2006 | Hanover County | Hanover Elementary ¹ | 4% | 7,500,000 | 253,733,159 | Add/Funding Deferred |

¹ Pending approval by the Attorney General's Office
September, 2006

VIRGINIA BOARD OF EDUCATION - SECOND PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the Second Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Date Placed on | | School Division | School | Interest | | Cumulative | | Action/Status | Comments |
|----------------|--------------|-----------------|--------|----------|--------|------------|--|---------------|----------|
| Priority | Waiting List | | | Rate | Amount | Total | | | |

NO PROJECTS

September, 2006

LITERARY FUND OF VIRGINIA
APPROVED APPLICATION LIST

| Priority | Date Placed on Application List | School Division | School | Interest Rate | Application Amount | Cumulative Total | Action/Status |
|----------|------------------------------------|-------------------|--|------------------|-----------------------|---------------------|--------------------------|
| 1 | March, 2006 | Washington County | Abingdon Elementary ¹ | 3% | 1,211,924 | 1,211,924 | Pending receipt of plans |
| 2 | March, 2006 | Washington County | High Point Elem ¹ | 3% | 986,356 | 2,198,280 | Pending receipt of plans |
| 3 | March, 2006 | Washington County | Valley Institute Elementary ¹ | 3% | 735,613 | 2,933,893 | Pending receipt of plans |
| 4 | March, 2006 | Washington County | E. B. Stanley Middle ¹ | 3% | 931,273 | 3,865,166 | Pending receipt of plans |
| 5 | March, 2006 | Essex County | Essex Intermediate School ¹ | 4% | 7,500,000 | 11,365,166 | Pending receipt of plans |
| 6 | March, 2006 | Hanover County | Trades Based Center ¹ | 4% | 7,500,000 | 18,865,166 | Pending receipt of plans |
| 7 | March, 2006 | Roanoke County | William Byrd High School ¹ | 3% | 7,500,000 | 26,365,166 | Pending receipt of plans |
| 8 | March, 2006 | Roanoke County | Northside High School ¹ | 3% | 7,500,000 | 33,865,166 | Pending receipt of plans |
| 9 | March, 2006 | Patrick County | Blue Ridge Elementary School ¹ | 2% | 151,618 | 34,016,784 | Pending receipt of plans |
| 10 | March, 2006 | Patrick County | Hardin Reynolds Memorial School ¹ | 2% | 105,406 | 34,122,190 | Pending receipt of plans |
| 11 | March, 2006 | Patrick County | Meadows of Dan Elementary ¹ | 2% | 105,217 | 34,227,407 | Pending receipt of plans |
| 12 | March, 2006 | Patrick County | Patrick County High School ¹ | 2% | 275,324 | 34,502,731 | Pending receipt of plans |
| 13 | March, 2006 | Patrick County | Patrick Springs Primary ¹ | 2% | 195,976 | 34,698,707 | Pending receipt of plans |
| 14 | March, 2006 | Patrick County | Stuart Elementary School ¹ | 2% | 304,878 | 35,003,585 | Pending receipt of plans |
| 15 | March, 2006 | Patrick County | Woolwine Elementary School ¹ | 2% | 361,581 | 35,365,166 | Pending receipt of plans |
| 16 | June, 2006 | Cumberland County | Cumberland Middle School ¹ | 2% | 7,500,000 | 42,865,166 | Pending receipt of plans |
| 17 | June, 2006 | New Kent County | New Kent High School ¹ | 4% | 7,500,000 | 50,365,166 | Pending receipt of plans |
| 18 | June, 2006 | Galax City | Galax High School ¹ | 2% | 4,750,000 | 55,115,166 | Pending receipt of plans |

New projects to be added to the approved application list.

No Projects

¹ Pending approval by the Attorney General's Office

*Reflects only those applications not on waiting lists

Note: Per 8VAC20-100-90, applications which remain on the approved application list for three years shall be removed from the list.

September, 2006

Board of Education Agenda Item

Item: _____ D. _____

Date: September 27, 2006

Topic: First Review of Proposed Repeal of the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits (8 VAC 20-350-10 et seq.)

Presenter: Mrs. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

_____ Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

X Action requested at this meeting

_____ Action requested at future meeting: _____

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

This regulation governs private career schools. The management of these proprietary schools was transferred to the State Council of Higher Education for Virginia (SCHEV) by the 2004 General Assembly via House Bill 637. A second enactment clause to House Bill 637 required

That the Board of Education's regulations in effect on June 30, 2004, that were promulgated pursuant to Chapter 16 (§ 22.1-319 et seq.) of Title 22.1 concerning the private trade, technical, business and correspondence schools (commonly referred to as "proprietary schools") for which the regulatory authority is transferred by this act from the Board to the State Council of Higher Education shall remain in force and shall be deemed to be regulations of the State Council of Higher Education until such time as the Council shall promulgate regulations pursuant to this act.

In accordance with that legislation, the Virginia Board of Education's regulations remained in effect until SCHEV could promulgate regulations to govern those schools. SCHEV promulgated the Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates, 8 VAC 40-31, and they became effective on July 26, 2006. As of that date, the Board of Education's regulations concerning the private career schools were no longer in effect.

Private day schools for students with disabilities were also governed by the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits. In 2004, the Board of Education promulgated Regulations Governing the Operation of Private Day Schools for Students with Disabilities, 8 VAC 20-670, to govern those schools. These regulations became effective on September 10, 2004.

Therefore, the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits have been replaced by two new regulations and must be repealed.

The Administrative Process Act (APA), in § 2.2-4012.1 of the *Code of Virginia*, provides for expedited rulemaking for regulatory actions that are expected to be noncontroversial. The "fast track" process specifies that after the proposed action is reviewed and approved by the Governor, a notice that an agency proposes to amend or repeal a regulation using the fast track process will be published in the Virginia Register and will appear on the Virginia Regulatory Town Hall (the electronic site for all state agency regulations).

The publication of the notice will be followed by a public comment period of at least 60 days. If an objection to the proposed regulatory change is received during the public comment period, the proposed rulemaking is continued using the usual APA process. If, however, there are no objections, the proposed regulation or repeal will become effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the Board of Education.

Summary of Major Elements

The purpose of this agenda item is to recommend repeal of this regulation. As noted above, the regulation governs both private career schools and private day schools for students with disabilities. These schools are quite different and there is little differentiation in the regulation to alert the reader as to which provisions apply to which schools. The provisions are complex and intertwined regarding the two different types of schools. The private career schools are no longer under the authority of the Board of Education, so no regulation is permissible regarding those schools. The Board approved new regulations for the governance of the private day schools for students with disabilities and those regulations took effect on September 10, 2004. Therefore, the regulation to be repealed is no longer necessary for the management of those schools.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review, approve the repeal of this regulation, and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act.

Impact on Resources:

The repeal of the regulation is expected to have a minimal fiscal or administrative impact on the local school divisions or on the Department of Education.

Timetable for Further Review/Action:

Following approval of the repeal of the regulation, the fast track provisions of the Administrative Process Act will be initiated. All appropriate entities, including local division superintendents, will be notified and given opportunity to comment.



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Fast Track Proposed Regulation Agency Background Document

| | |
|--|---|
| Agency name | Virginia Department of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20-350 |
| Regulation title | Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits |
| Action title | Regulation will be repealed |
| Date this document prepared | September 20, 2006 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

This regulation governs the establishment, operation and management of private career schools and private day schools for students with disabilities.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

This regulation governs two different types of school, private career schools and private day schools for students with disabilities. The private career schools have been transferred to the State Council of Higher Education for Virginia. That agency promulgated regulations to govern the private day schools and they became effective on July 26, 2006. The private day schools for

students with disabilities remain under the purview of the Department of Education. New regulations were promulgated governing those schools and they became effective on September 10, 2004.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

The Code of Virginia, § 22.1-16, vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulation governs private career schools. The management of these proprietary schools was transferred to the State Council of Higher Education for Virginia (SCHEV) by the 2004 General Assembly via House Bill 637. A second enactment clause to House Bill 637 required

That the Board of Education's regulations in effect on June 30, 2004, that were promulgated pursuant to Chapter 16 (§ 22.1-319 et seq.) of Title 22.1 concerning the private trade, technical, business and correspondence schools (commonly referred to as "proprietary schools") for which the regulatory authority is transferred by this act from the Board to the State Council of Higher Education shall remain in force and shall be deemed to be regulations of the State Council of Higher Education until such time as the Council shall promulgate regulations pursuant to this act.

In accordance with that legislation, the Virginia Board of Education's regulations remained in effect until SCHEV could promulgate regulations to govern those schools. SCHEV promulgated the Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates, 8 VAC 40-31, and they became effective on July 26, 2006. As of that date, the Board of Education's regulations concerning the private career schools were no longer in effect.

Private day schools for students with disabilities were also governed by the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits. In 2004, the Board of Education promulgated Regulations Governing the Operation of Private Day Schools

for Students with Disabilities, 8 VAC 20-670, to govern those schools. These regulations became effective on September 10, 2004.

Therefore, these regulations have been replaced by two new regulations and must be repealed.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The fast track process is applicable because the repeal of this regulation is noncontroversial.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

There are no substantive changes. The regulation is being repealed.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

The advantage to the Board of Education is the repeal of a regulation that is no longer in effect. The advantage to the public is the elimination of the confusion created by having two sets of regulations purporting to govern the same schools. There are no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are

no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

This section does not apply because this regulation is being repealed.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities that would be particularly affected.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This regulation is being repealed.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

This regulation is being repealed. There is no economic impact.

| | |
|--|--|
| Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures | |
| Projected cost of the regulation on localities | |
| Description of the individuals, businesses or other entities likely to be affected by the regulation | |
| Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, | |

| | |
|--|--|
| including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | |
| All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. | |

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There is no viable alternative to repealing this regulation.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The repeal of this regulation will have no impact on the institution of the family and family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|-------------------------|--|---|--|
| 8 VAC 20-350-10 et seq. | | This regulation governs the establishment, operation and management of proprietary schools, including schools for students with disabilities. | Repeal because the Board of Education no longer has the authority to regulate proprietary schools and new regulations have been promulgated to govern special education schools. |

Enter any other statement here

Board of Education Agenda Item

Item: _____ E. _____

Date: September 27, 2006

Topic: First Review of the Notice of Intended Regulatory Action (NOIRA) to Amend the Regulations Governing Educational Services for Gifted Students (8VAC20-40-10 et seq.)

Presenter: Dr. Linda Wallinger, Assistant Superintendent for Instruction

Telephone Number: (804) 225-2034 **E-Mail Address:** Linda.Wallinger@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

☒ Board review required by
 ☒ State or federal law or regulation
 _____ Board of Education regulation
 _____ Other: _____

☒ Action requested at this meeting _____ Action requested at future meeting: _____

Previous Review/Action:

☒ No previous board review/action
_____ Previous review/action
 date _____
 action _____

Background Information: Section 22.1-16 of the *Code of Virginia* permits the Board of Education to promulgate regulations as necessary to carry out its powers and duties.

Section 22.1-16. Bylaws and regulations generally.

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The current *Regulations Governing Educational Services for Gifted Students* were adopted by the Board of Education in 1993, and became effective in 1995. The proposed revisions will allow the Board to consider contemporary research and best practices that have occurred in the field of gifted education since the last revisions.

At its meeting in November 2005, the Board of Education approved the Department's request for a Notice of Intended Regulatory Action (NOIRA) to Amend the *Regulations Governing Educational Services for Gifted Students* (8VAC20-40-10 et seq.) The NOIRA expired in early September, while research on the regulations was still in progress. Therefore, the Board of Education is being asked at this time to reissue the NOIRA.

Summary of Major Elements: The attached Notice of Intended Regulatory Action (NOIRA) background document summarizes the major elements. The review is expected to include an examination of the regulations in their entirety, including the definition of gifted students and other relevant definitions; service options; differentiated instruction; expectations for professional development; and program evaluation.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act regarding the Notice of Intended Regulatory Action for promulgating regulations.

Impact on Resources: The impact on resources for the review and revision of these regulations is not expected to be significant.

Timetable for Further Review/Action: The timetable for further action will be governed by the requirements of the Administrative Process Act.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

| | |
|--|--|
| Agency name | Virginia Department of Education |
| Virginia Administrative Code (VAC) citation | <u>8 VAC20-40-10</u> et seq. |
| Regulation title | Regulations Governing Educational Services for Gifted Students |
| Action title | Revision of regulations to which school divisions must adhere in their gifted education programs, K - 12 |
| Date this document prepared | September 27, 2006 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The *Regulations Governing Educational Services for Gifted Students* were last approved in 1993, with an effective date of February 1995. Those regulations specify which gifted education services school divisions in the Commonwealth of Virginia shall provide students from kindergarten through high school graduation. The regulations speak to the area(s) of giftedness to be served, the identification of students in the selected area(s) of service, the criteria for screening and identification, the components of local plan that each division must have approved by the Department of Education, the assurances the school division must provide to the Department regarding elements within the local plan, and provisions of use of state funds designated for divisionwide gifted education services. The proposed revisions will allow the Virginia Board of Education to consider contemporary research and best practices in the field that have occurred in the last decade and to ensure that Virginia's regulations are consistent with that information.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Identification and programs for gifted students are required within the *Standards of Quality*. School divisions are provided general funds based on a student membership formula to identify and service students whom the divisions recognize as gifted based on guidance provided through the *Regulations Governing Educational Services for Gifted Students*. Revisions of the regulations allow the Department of Education to provide school divisions with expectations for identification and program services based on current research and best practices in the field.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

A preliminary list of issues that will be addressed concerning changes to the *Regulations Governing Educational Services for Gifted Students* include the following items:

1. Revisions to definitions to assist school divisions in program design and evaluation.
2. Language related to 8VAC20-40-60. Local Plan. To assist divisions in developing and evaluating their service options, instructional approaches, settings, and staffing.
3. Language related to the selection, evaluation, and training of gifted education teachers.
4. Language regarding local program evaluation.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

The proposed action is to amend existing regulations. The current regulations should be revised for clarity and to ensure that there are no conflicts with existing Board of Education regulations and state law. There are no viable alternatives.

The regulations have served well for more than ten years and have been supplemented through information presented in the *Virginia Plan for the Gifted* and the *Reference Guide for the Development and Evaluation of Local Plans for the Education of the Gifted*. Both documents demonstrate that the regulations need to be revised.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail to Dr. Barbara McGonagill, Office of Middle/High School Instruction, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; by phone to 804-225-2884; by fax to 804-786-1597; or by e-mail to Barbara.McGonagill@doe.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall Web site (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The revisions to the *Regulations Governing Educational Services for Gifted Students* will be guided by comments and recommendations received from the Virginia Advisory Committee for the Education for the Gifted; by an advisory group representing a broad spectrum of educators and parents selected to represent the geographic regions of the Commonwealth; and through public comment.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There will be minimal impact on the institution of the family or family stability.

Board of Education Agenda Item

Item: _____ F. _____

Date: September 27, 2006

Topic: First Review of a Request to Extend Approval of an Alternative Accreditation Plan and Approval of an Accreditation Rating for Hampton Harbour Academy from the Hampton City Public Schools

Presenter: Mrs. Kathleen M. Smith, Director of the Office of School Improvement
Dr. Patricia J. Johnson, Assistant Superintendent for Curriculum and Instruction and
Ms. Cynthia L. Cooper, Director Adult Education and Alternative Education,
Hampton City Public Schools

Telephone Number: 804-225-2865 **E-Mail Address:** Kathleen.Smith@doe.virginia.gov

Origin:

____ Topic presented for information only (no board action required)

X Board review required by
____ State or federal law or regulation
X Board of Education regulation
____ Other: _____

X Action requested at this meeting ____ Action requested at future meeting: _____
(date)

Previous Review/Action:

____ No previous board review/action

X Previous review/action
date October 26, 2005

action Approval of an Alternative Accreditation Plan from Hampton City Public Schools

Background Information:

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* effective September 7, 2006, Section 8 VAC 20-131.280.C. of the standards states:

Subject to the provisions of 8 VAC 20-131-330, the governing school board of special purpose schools such as those provided for in §22.1-26 of the Code, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the Board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

Hampton City Public Schools received the first approval of a one-year alternative accreditation plan for Hampton Harbour Academy on October 26, 2005, with the provision that future extensions would be contingent upon the submission of an evaluation showing that the state objectives of the program and evaluative criteria have been met.

Summary of Major Elements:

Hampton Harbour Academy (HHA) is an alternative charter school that serves students in grades six through eight who are at least two years behind their grade cohort group. These students have been retained more than once, some students are reading as much as four years behind their chronological age group and are equally behind in mathematics.

The program of instruction has the following components:

- focuses instruction in reading, writing, and mathematics;
- offers many opportunities for hands-on and high interest work and various activities in class to keep students engaged;
- integrates curriculum from elective courses into core academics;
- provides tutoring and intensive intervention to students during the school day;
- incorporates physical education into the day with wellness activities;
- teaches science and history/social sciences using interdisciplinary project learning;
- provides six hours of instruction per day;
- limits class size to 10 students per class; and
- offers opportunities for career exploration.

As a part of the approval of the alternative accreditation plan, the Board approved waivers of the following provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* as required in 8 VAC 20-131-90 A-D as follows:

- A. The middle school shall provide each student a program of instruction, which corresponds, to the Standards of Learning for English, mathematics, science, and history/social science.

In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and technical exploration.

- B. The middle school shall provide a minimum of eight courses to students in the-eighth grade. Courses in English, mathematics, science, and history/social science shall be required. Four elective courses shall be available: level one of a foreign language, one in health and physical education, one in fine arts, and one in career and technical exploration.
- C. Level one of a foreign language shall be available to all eighth-grade students. For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course in accordance with policies adopted by the local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Nothing in this chapter shall be construed to prevent a middle school from offering any other credit-bearing courses for graduation.
- D. To provide students a sufficient opportunity to learn, each student shall be provided 140 clock hours per year of instruction in each of the four disciplines of English, mathematics, science, and history/social science. Sixth-grade students may receive an alternative schedule of instruction provided each student receives at least 560 total clock hours of instruction in the four academic disciplines.

In the approved plan, accreditation for Hampton Harbour Academy is based on the following criterion: 70% of the eighth-grade students in the program for a full academic year will pass the eighth-grade Standards of Learning (SOL) assessments in English, writing and mathematics. Scores on the statewide assessments in sixth and seventh grades will not be used as accreditation measures unless they improve the school's accreditation status.

For school year 2005-2006, Hampton Public Schools reports that in accordance with the plan, 49 students are classified as eighth graders based on their standardized scores in reading. For accountability measures, 40 of those students were enrolled for the full academic year. Based on spring SOL assessments, the pass rates for this group are as follows:

| | | |
|---------|-------|-------------------------------------|
| Math | 50.0% | (19 of 38 students tested) |
| RLR | 55.5% | (20 of 36 students tested) |
| Writing | 92.1% | (35 of 38 students tested) |
| English | 74.3% | (55 of 74 RLR and Writing combined) |

Hampton Harbour Academy reports that it has not met its criteria for full accreditation. However, it is applying for a rating of Accreditation Withheld/Improving School Near Accreditation in accordance with 8 VAC 20-131-300. Hampton Harbour Academy has met the 70% pass rate in English and the 25% increase over 1999 SOL pass rates in areas below 70%. This school did not exist in 1999, but the pass rate in mathematics was 16% in the first year, 2002-2003. The pass rate for 2006 shows a gain of 34% over that initial posted score. The final criteria for this rating, 60% combined pass rate in other subjects, does not apply in this case. The

alternative accreditation plan for Hampton Harbour Academy specifies only English and mathematics as requisite subjects for accountability measures.

Based on the school's improvement and evaluation showing that the objectives of the program have been met, Hampton City Public Schools requests a three-year extension of the alternative accreditation plan and the rating of Accreditation Withheld/Improving School Near Accreditation for Hampton Harbour Academy.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the request to extend the alternative accreditation plan for three years and approve the rating of Accreditation Withheld/ Improving School Near Accreditation for Hampton Harbour Academy.

Impact on Resources: There is no impact on the resources of the Department of Education.

Timetable for Further Review/Action: Staff of the Department of Education will advise the Hampton City Public Schools of the Board's action.



Hampton City Schools Administrative Center

ONE FRANKLIN STREET
Hampton, Virginia 23669-3570

Patrick J. Russo, Ed.D.
Superintendent of Schools

September 6, 2006

Dr. Mark E. Emblidge, President
Virginia State Board of Education
P.O. Box 2120
Richmond, VA 23218-2120

Dear Dr. Emblidge:

Hampton City Schools is requesting a three-year extension of the Alternative Accreditation Plan granted by the State Board of Education for Hampton Harbour Academy for the 2005 – 2006 school year. The school division is requesting no changes in the plan or the waivers inherent. The school has made significant progress with the change in its instructional model and, as you know, we have filed a request for the board to consider a finding of "Accreditation Withheld" based on that progress. In addition to the SOL pass percentage gains reported in that request, we would ask that the board consider other benchmarks of progress noted below.

READING GAIN

While only 30% of the school's 90 students began the year with a reading level which classified them as 8th graders, an additional 23% made the 7.4 mark to be promoted by the third quarter. An additional 18% made substantial reading gain of greater than one year, but still fell short of the 7.4 mark. Thus, 71% of Hampton Harbour Academy's students made significant reading gains during the course of the year.

ATTENDANCE

Although the attendance rates for students have risen steadily since the assignment of the current principal to the school, after the introduction of the new instructional model, Hampton Harbour Academy's attendance rate approached the rate for the division for the first time in 2005-2006.

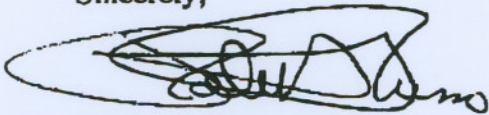
| Year | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 |
|------|-----------|-----------|-----------|-----------|
| ADA | 83% | 90% | 89% | 94% |

DISCIPLINE

While the number of suspensions for minor offenses (e.g., disruption, disrespect) remained comparable to prior years, more serious offenses declined significantly. The school reduced suspensions for offenses such as fighting by 57% under the new model and had no instances of a more serious offense (e.g. controlled substance, weapon possession) at all during the 2005-2006 school year.

As you are aware, Hampton Harbour Academy is just beginning its second year under the new instructional model. Although we have not reached every goal we have set, we have made notable improvements in reading performance, attendance, and discipline in addition to the gains in SOL performance cited in our request for a status of "Accreditation Withheld". We believe in the efficacy of this model and request that the board grant a three-year extension of our alternative accreditation plan so we may continue our work with these students.

Sincerely,

A handwritten signature in dark ink, appearing to read "P. Russo", enclosed within a large, loopy oval shape.

Patrick J. Russo, Ed.D.
Superintendent

cc: Dr. Billy K. Cannaday, Jr.
Dr. Patricia Wright
Ms. Kathleen Smith



Hampton City Schools Administrative Center

ONE FRANKLIN STREET
Hampton, Virginia 23669-3570

Patrick J. Russo, Ed.D.
Superintendent of Schools

Dr. Mark E. Emblidge, President
Virginia State Board of Education
P.O. Box 2120
Richmond, VA 23218-2120

August 2, 2006

Dear ~~Dr.~~ ^{Mark} Emblidge;

Pursuant to the Alternative Accreditation Plan in effect for Hampton Harbour Academy, Hampton City Schools is reporting the accreditation status for this charter middle school for 2006. Accreditation is based solely on the SOL end of year tests in math, writing, and reading (RLR) for 8th grade students who attended for the full academic year. Please find enclosed the attached report of student SOL scores for verification.

In accordance with the plan, students at Hampton Harbour Academy are classified as 8th graders based on their standardized test scores in reading. There were 49 such students for the 2005-2006 academic year. 40 of those students were enrolled for the full academic year (85% or more of the instructional calendar) making their scores usable as accountability measures. The pass percentages for this group are as follows:

| | | |
|---------------------------|-------|----------------------------|
| Math = | 50% | (19 of 38 students tested) |
| RLR = | 55.5% | (20 of 36 students tested) |
| Writing = | 92.1% | (35 of 38 students tested) |
| English (RLR + Writing) = | 74.3% | (55 of 74 test scores) |

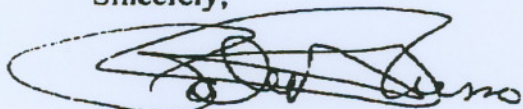
After reviewing the regulations and discussing the matter with the Director of School Improvement, we request that the school's accreditation status be "Accreditation Withheld/Improving School Near Accreditation" based on evaluation of the three criteria as follows:

1. 70% pass rate in English = MET
2. 60% combined pass rate in other subjects = DOES NOT APPLY. The alternative accreditation plan for this school specifies only English and math as requisite subjects for accountability measures.
3. 25% increase over 1999 SOL pass rates in areas below 70% = MET. This school did not exist in 1999, but the pass rate in math (the other applicable area) was 16% in its first year, 2002-2003. The pass rate for 2006 shows a gain of 34% over that initial posted score.

Hampton Harbour Academy is in its first year under a new instructional model and an alternative accreditation plan. We realize the request for the "Accreditation Withheld" status is unusual in that the regulations were designed with traditional schools in mind. The special purpose of this school, in addressing the academic needs of at-risk and over-aged students, makes it unique and, we believe, warrants the application of this accreditation status.

We are aware that this rating is available for a single year and so grants us a one-year "reprieve" only. Given the massive changes in the instructional program and such tremendous improvements in the achievement of its students, we are confident that Hampton Harbour will continue show gains and will meet accreditation standards if given the additional time to do so. Please do not hesitate to contact us should you need additional information in your deliberations. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Russo", enclosed within a large, hand-drawn oval.

Patrick J. Russo, Ed.D.

Cc: Dr. Billy K. Cannaday, Jr.
Dr. Patricia Wright
Ms. Kathleen Smith

Enclosure

Board of Education Agenda Item

Item: _____ G. _____

Date: September 27, 2006

Topic: First Review of a Request to Extend Approval of an Alternative Accreditation Plan and Approval of Accreditation Ratings for Mt. Vernon Middle School and New Bridge School in Henrico County Public Schools

Presenter: Mrs. Kathleen M. Smith, Director of the Office of School Improvement
Mr. Frederick S. Morton, IV, Division Superintendent, Henrico County Public Schools

Telephone Number: 804-225-2865 **E-Mail Address:** Kathleen.Smith@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by
☐ State or federal law or regulation
☒ Board of Education regulation
☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____
(date)

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action
date November 30, 2005

action Approval of the Alternative Accreditation Plan from Henrico County Public Schools

Background Information:

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* effective September 7, 2006, Section 8 VAC 20-131.280.C. of the standards states:

Subject to the provisions of 8 VAC 20-131-330, the governing school board of special purpose schools such as those provided for in §22.1-26 of the Code, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the Board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

Henrico County Public Schools received approval by the Board of Education for one-year alternative accreditation plans for New Bridge School and Mt. Vernon Middle School on November 30, 2005. These approvals included the provision that future extensions would be contingent upon the submission of an evaluation from each school showing that the stated objectives of the program and evaluative criteria had been met.

Summary of Major Elements:

New Bridge School and Mt. Vernon Middle School are alternative schools. New Bridge School serves students grades 3-8, and Mt. Vernon serves students grades 6-8. These students are consistently functioning below grade level in reading and/or mathematics and are unlikely to make up academic deficits in a traditional elementary or middle school setting. Students identified for this alternative program have failed to respond positively to the traditional school's intervention strategies and have fallen into the at-risk category of being retained one or more years. For New Bridge School, initial criteria for consideration in the program include failure on the third- or fifth-grade Standards of Learning (SOL) tests in reading, mathematics, and/or writing.

At both schools, an interdisciplinary instructional program incorporating the four major content areas is offered and includes exposure to organization and study skills and self-management for each student as specified in an Individualized Student Success (ISS) plan. A vocational program is also offered. Each student completes the Stanford Achievement Test (10th edition) and/or the Degrees of Reading Power (DRP) assessments prior to entering the program to assist with the development of the student's educational plan. These assessments are also used as post-measures of student achievement. Students are placed at a grade level according to pretest scores and a review of the student's classroom performance. Students at all grades will participate in SOL testing in all four content areas.

In the approved accreditation plan, school accreditation for New Bridge School is based on the following criterion:

Scores for each test in each of the four content areas will be combined to create (composite) pass rates, one for grades 3-5 and one for grades 6-8, reflecting the interdisciplinary approach to instruction. In order to meet accreditation requirements, the composite pass rate must be 75% for grades 3-5 and 70% for grades 6-8. Scores of students in attendance for four semesters or more,

including the semester in which testing takes place, will be included in the accreditation calculation.

In the approved accreditation plan, school accreditation for Mt. Vernon Middle School is based on the following criterion:

Scores for each test in each of the four content areas will be combined to create one (composite) pass rate, reflecting the interdisciplinary approach to instruction. In order to meet accreditation requirements, the composite pass rate must be 70% for grades 6-8 combined. Scores of students in attendance for four semesters or more, including the semester in which testing takes place, will be included in the accreditation calculation.

As part of the approval of the accreditation plan, the board approved waivers to the provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-80.B, as follows:

The middle school shall provide a minimum of eight courses to students in the eighth grade. Courses in English, mathematics, science, and history/social science shall be required. Four elective courses shall be available: level one of a foreign language, one in health and physical education, one in fine arts, and one in career and technical exploration.

Based on spring 2005-2006 SOL assessments, New Bridge School met the required composite performance target of 75% at the elementary level with a pass rate of 88.33%, but with a middle level composite pass rate of 62.68%, did not meet the 70% target required in the alternative accreditation plan. Mt. Vernon earned a composite rate of 65.41% which does not meet the 70% target in the alternative accreditation plan.

The two schools are applying for a rating of Accreditation Withheld/Improving School Near Accreditation in accordance with 8 VAC 20-131-300. The 70% pass rate in English and the 60% combined pass rate in other subjects for this accreditation do not apply as the alternative accreditation plan for 2005-2006 specifies a composite accountability measure for each school. However, both schools have increased their 1999 SOL pass rates by more than 25%, which is required for a rating of Accreditation Withheld/Improving School Near Accreditation. New Bridge shows a gain of 27.65% points over the composite rate for 2003, the first year of the middle school program. Mt. Vernon shows a gain of 30.41% points over the composite rate for 1999.

Based on the continuing improvement and evaluation of these schools, Henrico County Public Schools requests a three-year extension of the alternative accreditation plans and the rating of Accreditation Withheld/Improving School Near Accreditation for New Bridge School and Mt. Vernon Middle School.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review, approve the request to extend the alternative accreditation plans for three years and approve the rating of Accreditation Withheld/Improving School Near Accreditation for New Bridge School and Mt. Vernon Middle School.

Impact on Resources: There is no impact on the resources of the Department of Education.

Timetable for Further Review/Action: Staff of the Department of Education will advise the Henrico County Public Schools of the Board's action.

HENRICO COUNTY PUBLIC SCHOOLS

FRED S. MORTON, IV
SUPERINTENDENT OF SCHOOLS



POST OFFICE BOX 23120
RICHMOND, VIRGINIA 23223-0420
(804) 652-3600

August 10, 2006

received
ALL 11

Dr. Mark Emblidge
President, State Board of Education
P.O. Box 2120
Richmond, VA 23218-2120

Dear Dr. Emblidge;

Pursuant to the Alternative Accreditation Plans in effect for Mt. Vernon Middle School and New Bridge School, Henrico County Public Schools is reporting the accreditation status for these schools based on scores earned during the 2005-06 school year. Accreditation for both schools is based on a composite pass rate that includes all SOL tests administered in each content area at each grade level which was approved by the Board of Education at its meeting on November 30, 2005. The composite performance target for Mt. Vernon is a 70% pass rate; the composite performance targets for New Bridge are 70% at the middle grades and 75% at the elementary grades.

In fall 2005, there were 61 students in membership at Mt. Vernon (grades 6-8) and 133 students in membership at New Bridge (grades 3-8.) Pursuant to the plan, all students at both schools participate fully in the assessment program. At Mt. Vernon, 209 SOL tests were administered. At New Bridge, 183 tests were administered at the elementary level, and 297 tests were administered at the middle level. Students are considered transfer students if they are in attendance at their respective alternative school for less than four semesters. By excluding transfer students, 159 scores are included in the adjusted composite pass rate for Mt. Vernon Middle School, and 120 and 209 scores are included in the adjusted composite pass rates for New Bridge School at the elementary and middle levels respectively.

The attached spreadsheet outlines the composite pass rates earned for these school and compares these pass rates to the accreditation target and to a composite pass rate calculated for spring 1999 or the first year the program was offered (as we were advised to do by staff of the Department of Education). Based on our local preliminary calculation, Mt. Vernon earned a composite pass rate of 65.41%, which is short of the 70% target, but 30.41% points above the composite earned in spring 1999. New Bridge School with an elementary composite of 88.33% exceeds the performance target of 75%. With a middle level composite pass rate of 62.68%, New Bridge is short of the 70% target but 27.65% points above the composite earned in spring 2003, which is the first year the middle school program was offered.

Based upon the composite pass rates earned, we are requesting that the rating of Accreditation Withheld/Improving School Near Accreditation be awarded to both Mt. Vernon Middle School and New Bridge School. To achieve this rating, we are requesting a waiver of the requirement in 8 VAC 20-131-300.C. of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* for a 70% pass rate in English and a composite pass rate of 60% in the other content areas, as the accreditation ratings for these two schools are based on an overall composite pass rate rather than content-specific performance targets as outlined in the alternative accreditation plans approved by the Board. New Bridge School exceeded the elementary performance target, and both New Bridge School and Mt. Vernon Middle School exceeded the required 25% point gain needed to meet the requirement for Accreditation Withheld/Improving School Near Accreditation. These points are summarized below.

1. 70% pass rate in English = DOES NOT APPLY. The alternative accreditation plan for this school specifies a composite accountability measure.
2. 60% combined pass rate in other subjects = DOES NOT APPLY. The alternative accreditation plan for this school specifies a composite accountability measure.
3. 25% increase over 1999 SOL pass rates in areas below 70% = MET. Based on a composite calculated for each school, Mt. Vernon shows a gain of 30.41% points over the composite rate for 1999. New Bridge shows a gain of 27.65% points over the composite rate for 2003, the first year of the middle school program.

Note: New Bridge School MET the composite performance target of 75% at the elementary level with a pass rate of 88.33%.

Both Mt. Vernon Middle School and New Bridge Schools are in their first year under a new instructional model and an alternative accreditation plan. We realize the request for the "Accreditation Withheld/Improving School Near Accreditation" status is unusual in that the regulations were designed with traditional schools in mind. The special purpose of these schools, in addressing the academic needs of at-risk students, makes it unique and, we believe, warrants the application of this accreditation status.

We are aware that this rating is available for a single year. Given the massive changes in the instructional program and such tremendous improvements in the achievement of the students attending the schools, we are confident that both schools will continue to show gains and will meet the requirements to be rated Fully Accredited if given additional time to do so. Please do not hesitate to contact us should you need additional information for your deliberations. We look forward to hearing from you.

Sincerely,


Fred S. Morton

Cc: Dr. Billy Cannaday, Jr.
Dr. Patricia Wright
Ms. Kathleen Smith

Enclosure

Mmk,
Had say you today. what
a super beginning. please
let me know if you have
questions

**Justification for Request for 2006-07 Accreditation Rating of
ACCREDITATION WITHHELD/IMPROVING SCHOOL NEAR ACCREDITATION
Mt. Vernon and New Bridge Schools**

New Bridge Grade 8 - 2003

Composite - 2006 (Target = 70%)

Adjusted
Composite
35.03%

+ 27.65%

Adjusted
Composite
62.68%

**Increased Passing Rate by more than 25%
over 2002-03 (first year of opening)**

New Bridge Grade 3 & 5 - 2000

Composite - 2006 (Target = 75%)

Adjusted
Composite
10.58%

+ 77.75%

Adjusted
Composite
88.33%

Met 75% Pass Rate Target

Mt. Vernon Grade 8 - 1999

Composite - 2006 (Target = 70%)

Adjusted
Composite
35.00%

+ 30.41%

Adjusted
Composite
65.41%

**Increased Passing Rate by more than 25%
over 1998-99 Rate**

A Status Report and Request for Extension of the Alternative Accreditation Model for Mt. Vernon Middle School

Background:

- In November 2005, the Board of Education approved an alternative accreditation model for Mt. Vernon Middle School, a non-traditional educational setting serving students in grades 6-8 in Henrico County.
- The school is designed to serve middle school students who:
 - are consistently functioning below grade level in reading and/or mathematics,
 - may have failed one or more SOL or local criterion-referenced tests,
 - are at-risk of being retained, and/or
 - have been unresponsive to traditional instructional strategies and the academic and behavioral intervention techniques used in comprehensive school settings.
- Key components of the instructional model include:
 - individualized student educational plans,
 - an interdisciplinary instructional program incorporating the four major content areas,
 - career and technical education course offerings,
 - pre- and post-achievement assessments,
 - individualized course schedules,
 - a highly qualified team of teachers,
 - an applied approach to instruction,
 - 12:1 PTR,
 - a focus on the development of self-management and adjustment skills,
 - daily physical activity, and
 - student opportunities for career exploration.
- The Board of Education approved accreditation for Mt. Vernon based on:
 - the employment of highly qualified teachers who are licensed and endorsed in their content area
 - the school's ability to meet the pre-accreditation requirements outlined in the Standards of Accreditation
 - the creation of one composite pass rate incorporating scores across content areas with a target of 70% for Grade 6-8 students
 - the expectation that an evaluation would be conducted to measure program effectiveness
- The following waiver was requested and approved:
 - Required middle school electives (foreign language). (8 VAC 20-131-90 B)

2005-06 School Year Results:

Preliminary Results from the Standards of Learning Tests

- All students participated fully in the assessment program.
- Based on preliminary adjusted results, Mt. Vernon earned a composite pass rate of 65.41%, which is short of the 70% target, but 30.41% points above the composite earned in spring 1999.

- Henrico County Public Schools has submitted a request for Mt. Vernon Middle School to be awarded the rating of Accreditation Withheld/Improving School Near Accreditation due to the new instructional program being implemented at this school.

Other Data

- Attendance rates have remained stable at 88% in 2004-05 and 2005-06.
- The percentage of students being promoted to the next grade level has increased from 92% in 2004-05 to 97% in 2005-06.
- In fall 2005, the schools average class size was 6.0 students with 5.5 in English, 6.1 in Math, 6.1 in Science, and 6.1 in Social Studies.
- Henrico Assessment results, which is a locally developed assessment given in non-SOL tested content areas at each grade level, show a dramatic increase of students who passed the 6th grade Science assessment from 17% in 2004-05 to 79% in 2005-06. Science scores for 7th graders remained stable with 61% of students passing the assessment. Passing scores for the 6th grade writing test decreased from 70% of students passing in 2004-05 to 58% in 2005-06. Similarly, 75% of 7th graders passed the writing assessment in 2005-06 compared to 80% in 2004-05. Focus will be directed towards areas where improvement is needed.

Alternative Accreditation Surveys

- In May 2006, surveys were developed and administered to aid in evaluating the effectiveness of the interdisciplinary alternative accreditation model. Surveys were developed with input from core stakeholders and were completed by students, teachers, administrators, and parents. Results from the surveys yielded positive findings and have aided in identifying areas for improvements to the program in the 2006-07 school year.
- Key findings were as follows:
 - Students, parents, and teachers reported improvements in student grades since attending this school and the beginning of the academic year.
 - Since coming to this school, students feel that they have improved their organizational skills, career skills, and behavior management skills. However, they would like more guidance in improving their test taking skills and additional support with behavior management strategies.
 - The majority of students, parents, and teachers say that school initiatives to motivate students academically and behaviorally and the school-wide tutoring program are effective.
 - Students and parents reported that they were able to contribute to the individualized educational plan and would like more communication regarding their progress towards these goals.
 - Students, teachers, and administrators agree that an interdisciplinary instructional model is being used and the majority of teachers are participating in biweekly interdisciplinary team meetings. Teachers report that they would benefit from additional training in how to create interdisciplinary lessons across content areas. Beginning in 2006-07, the master schedule allows for common planning time for teachers.

- Communication between school staff and parents is commendable and all stakeholders agree that teachers and administrators are using various methods for communicating with families.

Planned Follow-up and Evaluation:

- The progress of students promoted from the program will be monitored as they enter into a comprehensive high school through school visits by the alternative school counselor each nine weeks for a minimum of one year. Progress reports will be sent to parents after each follow-up meeting. Former students will also be interviewed during their 9th and 10th grades by their instructors from Mt. Vernon in order to make program improvements and refinements.
- A transitioned student survey will be created and administered to promoted students to gather feedback regarding the transition process and adjustment to the comprehensive school setting.
- Additional data will continue to be evaluated, including benchmark test results, standardized test scores, and attendance reports.
- Efforts will continue to improve communication with students and parents, and increase parent participation.
- Efforts and results are being examined and revised to find the most successful approaches for these students to experience successes for the long-term.

Request for Extension:

- Request a three-year approval of the alternative accreditation plan with annual reports submitted to the Board of Education on our progress.

A Status Report and Request for Extension of the Alternative Accreditation Model for New Bridge School

Background:

- In November 2005, the Board of Education approved an alternative accreditation model for New Bridge School, a non-traditional educational setting serving students in grades 3-8 in Henrico County.
- The school is designed to serve elementary and middle school students who:
 - are consistently functioning below grade level in reading and/or mathematics,
 - may have failed one or more SOL or local criterion-referenced tests,
 - are at-risk of being retained, and/or
 - have been unresponsive to traditional instructional strategies and the academic and behavioral intervention techniques used in comprehensive school settings.
- Key components of the instructional model include:
 - individualized student educational plans,
 - an interdisciplinary instructional program incorporating the four major content areas,
 - career and technical education course offerings for students in grades 6-8,
 - pre- and post-achievement assessments,
 - individualized course schedules,
 - a highly qualified team of teachers,
 - an applied approach to instruction,
 - 12:1 PTR,
 - a focus on the development of self-management and adjustment skills,
 - daily physical activity, and
 - student opportunities for career exploration.
- The Board of Education approved accreditation for New Bridge based on:
 - the employment of highly qualified teachers who are licensed and endorsed in their content area
 - the school's ability to meet the pre-accreditation requirements outlined in the Standards of Accreditation
 - the creation of a composite pass rate for Grade 3-5 (75% target) and Grade 6-8 (70% target) incorporating scores across content areas
 - the expectation that an evaluation would be conducted to measure program effectiveness
- The following waiver was requested and approved:
 - Required middle school electives (foreign language). (8 VAC 20-131-90 B)

2005-06 School Year Results:

Preliminary Results from the Standards of Learning Tests

- All students participated fully in the assessment program.
- Based on preliminary adjusted results, New Bridge School exceeded the elementary target of 75% with a composite pass rate of 88.33%. With a middle school level composite pass rate of 62.68%, New Bridge is short of the 70% target, but 27.65% points

above the composite earned in spring 2003, which is the first year the middle school program was offered.

- Henrico County Public Schools has submitted a request for New Bridge School to be awarded the rating of Accreditation Withheld/Improving School Near Accreditation due to the new instructional program being implemented at this school.

Other Data

- Attendance rates have remained stable with 90% in 2004-05 and 89% in 2005-06
- The percentage of students being promoted to the next grade level has increased from 89% in 2004-05 to 94% in 2005-06.
- In fall 2005, the schools average class size was 8.6 students with 8.3 in English, 8.7 in Math, 8.7 in Science, and 8.7 in Social Studies.
- Henrico Assessment results, which is a locally developed assessment given in non-SOL tested content areas at each grade level, show consistency in the percentage of 4th grade students who passed the Writing (80%), History (83%), and Science (57%) assessments in 2004-05 and 2005-06. Science scores for 6th graders decreased slightly from 88% passing in 2004-05 to 79% passing in 2005-06; whereas 7th grade scores increased from 93% passing to 97% passing. Passing scores for the 6th grade writing test remained steady at 81% from 2004-05 to 2005-06. However, 66% of 7th graders passed the writing assessment in 2005-06 compared to 85% in 2004-05. Focus will be directed towards areas where improvement is needed.

Alternative Accreditation Surveys

- In May 2006, surveys were developed and administered to aid in evaluating the effectiveness of the interdisciplinary alternative accreditation model. Surveys were developed with input from core stakeholders and were completed by students, teachers, administrators, and parents. Results from the surveys yielded positive findings and have aided in identifying areas for improvements to the program in the 2006-07 school year.
- Key findings were as follows:
 - Students, parents, and teachers reported improvements in student grades since attending this school and the beginning of the academic year.
 - Since coming to this school, students feel that they have improved their participation in homework, career skills, and behavior management skills. However, they may like more guidance in improving their study and test taking skills, and additional support with behavior management strategies.
 - The majority of students and parents say that school initiatives to motivate students academically and behaviorally are successful. Students also believe that the school-wide tutoring program is effective.
 - More than half of the students and parents reported that they were able to contribute to the individualized educational plan and students would like more communication regarding their progress towards these goals.
 - Students, teachers, and administrators agree that an interdisciplinary instructional model is being used and the majority of teachers are participating in biweekly interdisciplinary team meetings. Approximately half of the teachers report that they would benefit from additional training in how to create interdisciplinary

lessons across content areas. Beginning in 2006-07, the master schedule allows for common planning time for teachers.

- Communication between school staff and parents is commendable and most stakeholders agree that teachers and administrators are using various methods for communicating with families.

Planned Follow-up and Evaluation:

- The progress of students promoted from the program will be monitored as they enter into a comprehensive school through school visits by the alternative school counselor each nine weeks for a minimum of one year. Progress reports will be sent to parents after each follow-up meeting. Former students will also be interviewed during their 6th, 7th, and 8th grades or their 9th and 10th grades by their instructors from New Bridge in order to make program improvements and refinements.
- A transitioned student survey will be created and administered to promoted students to gather feedback regarding the transition process and adjustment to the comprehensive school setting.
- Additional data will continue to be evaluated, including benchmark test results, standardized test scores, and attendance reports.
- Efforts will continue to improve communication with students and parents, and increase parent participation.
- Efforts and results are being examined and revised to find the most successful approaches for these students to experience successes for the long-term.

Request for Extension:

- Request a three-year approval of the alternative accreditation plan with annual reports submitted to the Board of Education on our progress.

Board of Education Agenda Item

Item: H.

Date: September 27, 2006

Topic: First Review of a Request from Fairfax County Public Schools for a Pilot Program Using Additional Warning Lights on School Buses

Presenter: Dr. Billy K. Cannaday, Jr., Superintendent of Public Instruction

Telephone Number: (804) 225-2023 E-Mail Address: _____

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____ (date)

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action

date May 2006

action Board requested additional information on this topic and presentation of this item

Background Information:

At its May 2006 meeting, the new specifications for Virginia's school buses were presented to the Board of Education for first review. During the presentation of that item, the Board discussed a request from Fairfax County Public Schools for approval of a pilot program to place additional warning lights on the front sides of school buses.

The purpose of these lights would be to serve as additional warning lights to signal that the school bus is about to stop to load or unload students or is stopped and is in the process of loading or unloading students. Fairfax submitted this request because they believe the additional warning lights will improve recognition of the actions being taken by school buses, especially at intersections, and will ultimately reduce the number of motorists that pass stopped school buses, thus improving student safety.

Staff explained that, after researching this request and after consulting with the Office of the Attorney General, this request needed to be approved by the Board of Education rather than by the Department of Education. Section 46.2 – 1090, *Code of Virginia*, states:

“§ 46.2-1090. Warning devices on school buses; other buses; use thereof; penalties.

Every bus used for the principal purpose of transporting school children shall be equipped with a warning device of such type as may be prescribed by the State Board of Education after consultation with the Superintendent of State Police. Such a warning device shall indicate when such bus is either (i) stopped or about to stop to take on or discharge children, the elderly, or mentally or physically handicapped persons or (ii) stopped or about to stop for another such bus, when approaching from any direction, that is stopped or about to stop to take on or discharge any such persons. Such warning device shall be used and in operation for at least 100 feet before any proposed stop of such bus if the lawful speed limit is less than thirty-five miles per hour, and for at least 200 feet before any proposed stop of such bus if the lawful speed limit is thirty-five miles per hour or more.

Failure of a warning device to function on any school bus shall not relieve any person operating a motor vehicle from his duty to stop as provided in §§ [46.2-844](#) and [46.2-859](#).

Any person operating such bus who fails or refuses to equip such vehicle being driven by him with such equipment, or who fails to use such warning devices in the operation of such vehicle shall be guilty of a Class 3 misdemeanor.

Transit buses used to transport school children in the City of Hampton may be equipped with an advisory sign that extends from the left side of the bus and displays the words: "CAUTION-STUDENTS." Such sign may be equipped with not more than two warning lights of a type approved for use by the Superintendent of State Police.”

Staff further explained that the request had been discussed with the specifications committee and a representative of the state police. Initial reactions from both entities did not support Fairfax’s request. As a result, the additional lights were not included in the new school bus specifications that were presented to the Board.

Upon hearing this information, the Board requested that staff revisit the issue to determine if there was a way to honor Fairfax’s request to improve school bus safety and to address the concerns of the affected parties and to request their support.

Summary of Major Elements

Department staff met with representatives of the school bus dealers in Virginia and the specifications committee. The Board President, the Superintendent of Public Instruction, and the Assistant Superintendent for Finance met with the Superintendent of State Police and his staff to discuss this issue.

In summary, the school bus specifications committee and the school bus dealers concluded that warning lights could be added to school buses at an estimated cost of between \$500 and \$700 per bus, including labor and installation costs of the dealer. These costs could be lower if the lights were installed by the

school division school bus staff.

The Superintendent of State Police indicated that he would support the approval of a pilot in Fairfax County Schools as well as other school divisions so long as the lights meet Federal Motor Vehicle Safety Standards (FMVSS), Society of Automotive Engineers (SAE) Standards, or are of a type that is approved by the Department of the State Police. The Superintendent of State Police also suggested that the participants in the pilot program be required to collect information about the effectiveness of the additional lights and that this information be reported to the Department of Education to determine if the lights should be required on all school buses in the future.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the request from Fairfax County Public Schools to initiate a pilot program to place additional warning lights on the front sides of selected school buses provided that:

1. these lights are used to signal that a school bus is about to stop to load or unload students or is stopped and is in the process of loading or unloading students and that they work in conjunction with the existing warning light system;
2. these lights meet Federal Motor Vehicle Safety Standards (FMVSS), Society of Automotive Engineers (SAE) Standards, or are of a type that is approved by the Department of the State Police;
3. Fairfax County pays all costs associated with the pilot; and,
4. Fairfax County provides a report to the Department of Education no later than June 30, 2007, of the effectiveness of these additional warning lights and the pilot program overall, the cost to purchase and install these lights, and any other information that may be needed to determine if additional warning lights should be required on all school buses in the future.

Finally, the Superintendent of Public Instruction further recommends that the Board of Education authorize him to approve participation in this pilot program by additional school divisions that agree to meet the above stated requirements.

Impact on Resources:

There is no impact to state resources to implement this pilot program.

Timetable for Further Review/Action:

No additional review or action is needed.

Board of Education Agenda Item

Item: I.

Date: September 27, 2006

Topic: Final Review of Pupil Transportation Specifications for School Buses

Presenter: Mrs. June F. Eanes, Director of Support Services

Telephone Number: (804) 225-2037

E-Mail Address: June.Eanes@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by
☒ State or federal law or regulation
☐ Board of Education regulation
☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action
date May 24, 2006
action First Review

Background Information:

The Regulations Governing Pupil Transportation approved in January 2004, deleted the sections that detailed the specifications for school buses and made them a separate document that requires periodic approval by the Board of Education. This permits the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be refreshed more frequently to recognize new or emerging technology. The specifications for school buses are presented to the Board of Education for approval as necessary. The specifications proposed in this item represent changes that are needed at this time. The current specifications were approved by the Board of Education in November 2004.

Summary of Major Elements

The specifications (attached) have been updated and revised to include recent changes in equipment and technology. The changes were developed by the Department's Specifications Committee, which is

comprised of pupil transportation representatives from school divisions across the state. None of the changes represent significant deviations from standard industry practices. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration.

The proposed specifications were developed with the goal of improving safety. Knowing that it is difficult to design statewide specifications that encompass the specific needs of each division's fleet, the committee considered the geographic differences of our regions, the newer technology available for new school buses, the past track record of current specification configurations, specifically the overall cost of maintenance, and any components with a record of failure that caused safety to be compromised.

The committee also made comparisons with specifications of other states and adjusted the previous specifications to improve Virginia's minimum specifications and align Virginia's specifications with other Southeastern States. Also included in the proposed revisions are recommendations to incorporate changes adopted in May 2005, by the Fourteenth National Congress on School Transportation, "National School Transportation Specifications and Procedures."

The proposed specifications were posted on the Department's Web site for 30 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. Comments were received from all three school bus dealers in Virginia, one school bus manufacturer, and five school divisions. The comments and the recommended actions from the specifications committee are compiled and attached to this document.

The majority of the comments dealt with mechanical issues, however, a few safety issues also were identified. The most significant safety issue identified has been addressed by requiring a non-sequential system for traffic warning lights on all new school buses. This change will allow the red lights to be activated whenever the door opens, thus avoiding situations when students are getting on or off the bus and the lights are not activated due to driver failure to initiate the warning light sequence. Another change will provide school divisions with the option of placing a second school bus traffic warning sign on the left, rear side of the bus if the bus is Type C or D with a passenger capacity of 64 students or larger. Finally, the specifications include an option for school divisions to add additional warning lights to the front sides of the school bus if the school division is participating in an approved pilot program. (NOTE: The pilot program is addressed in a separate item being presented to the Board of Education.)

Additions to the specifications are indicated in bold lettering and deletions are indicated by strikeovers.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed school bus specifications.

Impact on Resources:

There is no impact on Department of Education's resources to initiate these specifications.

Timetable for Further Review/Action:

No additional review or action is needed.

SPECIFICATIONS THE BUS CHASSIS

1. Air cleaner.

- A. The engine intake air cleaner system shall be furnished and properly installed by the chassis manufacturer to meet the engine manufacturer's specifications.
- B. An air cleaner restriction indicator shall be furnished and installed by chassis manufacturer.

2. Alternator.

- A. ~~All Type A and B buses up to 15,000 pounds gross vehicle weight rating (GVWR) shall have a minimum 90 ampere alternator.~~
- B. ~~Type B buses over 15,000 pounds GVWR and all Type C and D buses~~ **All buses** shall be equipped with a heavy duty truck or bus type alternator meeting Society of Automotive Engineers (SAE) J-180; having a minimum output rating of ~~400~~ **130** amperes, alternator shall be capable of producing a minimum of 50% of its maximum rated output at the engine manufacturer's recommended idle speed.
- C. Buses equipped with electrically powered wheelchair lift, air conditioning or other accessories may be equipped with a device that monitors the electrical system voltage and advances the engine idle speed when the voltage drops to, or below, a pre-set level.
- D. Belt drive shall be capable of handling the rated capacity of the alternator with no detrimental effect on other driven components. Direct-drive alternator is permissible in lieu of belt drive.

3. Axles.

- A. The front and rear axle and suspension systems shall have a gross axle weight rating at ground commensurate with the respective front and rear weight loads that will be imposed by the bus.
- B. Rear axle shall be single speed, full-floating type.

4. Battery.

- A. The storage batteries shall have minimum cold cranking capacity rating (cold cranking amps) equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit and a minimum reserve capacity rating of 120

minutes at 24 amps. Higher capacities may be required, depending upon optional equipment and local environmental conditions.

- B. Batteries shall be mounted in a slide out tray on the left side of the body in a compartment designed for storage batteries.
- C. Exception: Type A units – Batteries may be located in standard manufacturer's position.
- D. **Buses may be equipped with a battery shut-off switch. The switch is to be placed in a location not readily accessible to the driver or passengers.**

5. Brakes

- A. Four-wheel brakes, adequate at all times to control bus when fully loaded, shall be provided in accordance with Federal Motor Vehicle Safety Standards.
- B. The chassis brake system shall conform to the provisions of Federal Motor Vehicle Safety Standards (FMVSS) numbers 105, 106, and 121 as applicable.
- C. Chassis shall be equipped with auxiliary brakes capable of holding vehicle on any grade on which it is operated under any conditions of loading on a surface free from snow or ice. Operating controls of such auxiliary brakes shall be independent of operating controls of service brakes.
- D. Buses having full compressed air systems shall be equipped with a minimum 12 cfm engine oil-fed air compressor.
 - 1. Air supply for air compressor shall be taken from the clean side of engine air cleaner system.
 - 2. A desiccant type air dryer with automatic purge and drain cycle and a heating element shall be installed on all air brake buses.
 - 3. Air brake systems shall include system for anti-compounding of the service and parking brakes.
- E. Buses using hydraulic brakes shall have power assist brakes. Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.

6. Bumper, front.

- A. Front bumper shall be heavy-duty, channel steel at least eight inches in height with 3/16- inch thickness, painted black, and shall be furnished by chassis manufacturer as part of chassis.
- B. Front bumper shall extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing, lifting or towing without permanent distortion to bumper, chassis, or body.
- C. Exception: Type A vehicles having a GVWR of 14,500 pounds or less – bumper shall be manufacturer's standard painted black.
- D. Exception: Type D vehicles – same as above, except that front bumper shall be furnished by body manufacturer.

7. Clutch.

- A. Torque capacity shall be equal to or greater than the engine torque output. Clutch facing shall be non-asbestos.
- B. A starter interlock shall be installed to prevent actuation of the starter if the clutch pedal is not depressed.

8. Color.

- A. Chassis, including wheels, and front bumper shall be black.
- B. Hood, cowl, and fenders shall be national school bus yellow.
- ~~C. Grill shall be national school bus yellow, if painted; otherwise it shall be chrome or anodized aluminum.~~
- C. ~~D.~~ All paint shall meet the lead-free standards.

9. Drive Shaft.

- A. Drive shaft shall be protected by metal guard or guards to prevent it from whipping through floor or dropping to ground if broken.

10. Electrical System.

- A. Battery. See Item 4.
- B. Alternator. See Item 2.

- C. Lights and signals. See Item 19.
- D. Wiring. See Item 78.
- E. Power terminal. Chassis manufacturer shall provide an electric power source terminal for bus body power connection. Wiring from the power source in wiring terminal shall have a current carrying capacity of 125 amperes continuous (minimum 4 gauge wire). If the bus is to be equipped with Air Conditioning or Wheelchair Lift, current carrying capacity shall be increased to 150 amperes continuous.

This conductor shall be routed to cover the least distance practicable between points of termination. It should be of continuous size protected by fusible links, fuses, circuit breakers, or a reset-able electronic circuit protection device, no more than ~~42~~ 24 inches from the battery. The terminal shall be of the single post-type, minimum of one-fourth inch (1/4") stud and located in an accessible location for service, subject to approval of the Department of Education.

- F. Light terminal. The chassis manufacturer shall provide a wire terminal adjacent to on in the under dash area of the left side panel accessible to the body company for connection of rear brake lights, tail lights, turn signal lights, and back-up lights. A terminal strip consisting of individual terminals with each terminal properly identified shall be provided to meet this requirement.
- G. Fuse. All fuses shall be located in fuse block and properly identified for the circuit protected.
- H. Each chassis circuit shall be color-coded and a diagram of the circuits shall be included with the chassis.
- I. Wiring harness. All conductors from the alternator to the battery shall be continuous in length. The conductors shall be sized to provide at least a 25% greater current carrying capacity than the design output of the alternator (minimum 4 gauge wire). The conductor between the alternator and the battery shall be routed in a manner that will provide the least distance between points of termination. A separate ground conductor from alternator to engine shall be provided (minimum four-gauge).
- J. **Buses using multiplexed electrical systems may meet the intent of these specifications without the use of specified equipment, subject to the approval of the Department of Education.**

11. Engine.

- A. The engine shall be of the internal-combustion, four-stroke cycle type.
- B. All gas-powered buses shall have an automatic fire extinguisher system in the engine compartment.
- C. **An electronic engine speed limiter shall be provided and set to limit engine speed, not to exceed the maximum revolutions per minute, as recommended by the engine manufacturer.**

12. Exhaust System.

- A. Exhaust pipe, muffler, and tail pipe shall be outside bus body attached to chassis.
- B. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent, and shall extend at least five inches beyond **outer edge of rear bumper**. ~~chassis frame.~~
- C. Size of tail pipe shall not be reduced after it leaves muffler.
- D. Exhaust system shall be properly insulated from fuel tank and tank connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections.
- E. Muffler shall be constructed of corrosion-resistant material.
- ~~F. Exception: Type A and B Vehicles less than 15,000 pounds (GVWR) — tail pipe may exit behind rear wheel.~~
- F. **Types A and B chassis may be furnished with the manufacturer's standard tailpipe configuration.**

13. Fenders, front.

- A. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position.
- B. Front fenders shall be properly braced and free from any body attachment.

14. Frame.

- ~~A. Frame shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics that are used for severe service.~~
- ~~B. When frame side members are used, they shall be of one piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis manufacturer with a guarantee, and installation shall be made by either chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring, and shall not be for purpose of extending wheelbase.~~
- ~~C. Holes in top or bottom flanges of frame side rails shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.~~

- A. Frame lengths shall be established in accordance with the design criteria for the complete vehicle.**
- B. Making holes in top or bottom flanges or side units of the frame and welding to the frame shall not be permitted except as provided or accepted by the chassis manufacturer.**
- C. Frames shall not be modified for the purpose of extending the wheel base.**
- D. Any secondary manufacturer that modifies the original chassis frame shall provide a warranty at least equal to the warranty offered by the original equipment manufacturer (OEM), and shall certify that the modification and other parts or equipment affected by the modification shall be free from defects in material and workmanship under normal use and service intended by the OEM.**

15. Fuel tank.

- A. Fuel tank having a minimum 30-gallon capacity shall be provided. The tank shall be filled and vented to the outside of the body and the fuel filler should be placed on the right side in a location where accidental fuel spillage will not drop or drain on any part of the exhaust system.**
- B. Fuel lines shall be mounted to the chassis frame in such a manner that the frame provides the maximum possible protection from damage.**

- C. Fuel tank may be mounted between the frame rails or outboard on the right side of the vehicle.
- D. The actual draw capacity of each fuel tank shall be a minimum of 83 percent of the tank capacity.
- E. Exception: Type A Vehicles – fuel tank shall be manufacturer’s standard, mounted, filled, and vented outside of body. **Special needs buses will allow for left side fuel filler.**

16. Heating System, provision for.

- A. The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching ¾ inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170 °F at a flow rate of 50 pounds per minute at the return end of 30 feet of one-inch inside diameter automotive hot water heater hose. (SBMI Standards No. 001-Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment.)
- B. **Exception: Type A buses shall be manufacturer’s standard.**

17. Horn.

- ~~A. — Bus shall be equipped with dual horns of standard make which meet requirements of Federal Motor Vehicle Safety Standards, 49 CFR 571.~~
- A. **The bus shall be equipped with a horn(s) of standard make with the horn(s) capable of producing a complex sound in bands of audio frequencies between 250 and 2,000 cycles per second, and tested in accordance with SAE J377, *Horn – Forward Warning – Electric – Performance, Test, and Application.***

18. Instrument and instrument panel.

- A. Chassis shall be equipped with following instruments and gauges:
 - 1. Speedometer which will show speed;
 - 2. Odometer which will show accrued mileage, including tenths of miles, tenths of miles can be accrued with trip odometer;
Odometer is to be able to be read without using a key;
 - 3. Ammeter or voltmeter with graduated scale;

4. Oil pressure gauge;
 5. Water temperature gauge;
 6. Fuel gauge;
 7. Upper-beam headlamp indicator; and
 8. Tachometer.
- B. All instruments or gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position. Lights in lieu of gauges are not acceptable.
- C. Exception: Type A vehicles – the ammeter, or voltmeter and its wiring are to be compatible with generating capacity. Tachometer is not required.
- D. Multi-function gauges must have prior approval.

19. Lights and signals.

- A. Each chassis shall be equipped with not less than two headlights – beam controlled, and stop and tail lights, and two front turn signal lamps mounted on front fenders.
- B. Lights shall be protected by fuse or circuit breakers.
- C. Self-canceling directional signal switch shall be installed by the chassis manufacturer. The directional signals shall activate only when ignition is in “on” position.
- D. Daytime Running Lights (DRL) are required.
- E. Brake air pressure gauge (air brakes), brake indicator lamp (vacuum/hydraulic brakes), or brake indicator lamp (hydraulic/hydraulic);**
- F. Turn signal indicator; and**
- G. Glow-plug indicator lamp, where appropriate.**
- H. Instruments and controls must be illuminated as required by FMVSS No. 101, *Controls and Displays*.**

20. Oil Filter.

~~A. Oil filter of replaceable element type shall be provided and shall have oil capacity of at least one quart.~~

A. An oil filter with a replaceable element shall be provided and connected by flexible oil lines if it is not a built-in or an engine-mounted design. The oil filter shall have a capacity in accordance with the engine manufacturer's recommendation.

21. Openings.

~~A. All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and auxiliary brake lever, shall be sealed. unless altered by body manufacturer. See Item 39J.~~

22. Passenger load.

A. Gross vehicle weight (i.e., wet weight, plus body weight, plus driver's weight of 150 pounds, plus weight of maximum seated pupil load based on not less than 120 pounds per pupil) shall not exceed maximum gross vehicle weight rating as established by manufacturer.

B. Actual GVW shall not exceed the chassis manufacturer's GVWR for the chassis, nor shall the actual weight carried on any axle exceed the chassis manufacturer's Gross Axle Weight Rating (GAWR).

C. The manufacturer's GVWR for a particular school bus shall be furnished by manufacturers in duplicate (unless more copies are requested) to the state agency having student transportation jurisdiction. The state agency shall, in turn, transmit such ratings to other state agencies responsible for development or enforcement of state standards for school buses.

23. Retarder system (Optional).

~~A. Retarder system, if used, shall be approved by the Department of Education.~~

A. A retarder system, if used, shall limit the speed of a fully loaded school bus to 19.0 mph on a 7 percent grade for 3.6 miles.

24. Shock absorbers.

A. Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

25. Springs.

- A. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload.
- B. Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight.
- C. Rear springs shall be of progressive, variable, parabolic or air ride type.
- D. Stationary eye of the front spring shall be protected by full wrapper leaf in addition to main leaf.
- E. Exception: Type A vehicles – springs that are regular equipment on vehicle to be purchased may be used.
- F. **The capacity of springs or suspension assemblies shall be commensurate with the chassis manufacturer's GVWR.**

26. Steering gear.

- A. Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and maximum speed.
- B. No changes shall be made in steering apparatus that are not approved by chassis manufacturer.
- C. There shall be clearance of at least two inches between steering wheel and cowl instrument panel, windshield, or any other surface.
- D. Power steering is required and shall be of the integral type with integral valves.
- E. **The steering system shall be designed to provide a means for lubrication of all wear-points that are not permanently lubricated.**

27. Tires and rims.

- A. Tire and rim sizes, based upon current standards of Tire and Rim Association, shall be required.
- B. Total weight imposed on any tire shall not be above current standard of Tire and Rim Association.

- C. Dual rear tires shall be provided on all vehicles.
- D. All tires on given vehicles shall be of same size and ply rating.
- E. Spare tire, if required, shall be suitably mounted in accessible location outside passenger compartment.

28. Towing Attachment Points

- A. **Rear towing devices (i.e. tow hooks, tow eyes, or other designated towing attachment points) shall be furnished to assist in the retrieval of buses that are stuck and/or for towing buses when a wrecker with a “wheel lift” or an “axle lift” is not available or cannot be applied to the towed vehicle.**
- B. **Towing devices shall be attached to the chassis frame either by the chassis manufacturer or in accordance with the chassis manufacturer’s specifications.**
- C. **Each rear towing device shall have a strength rating of 13,500 pounds with the force applied in the rearward direction, parallel to the ground, and parallel to the longitudinal axis of the chassis frame rail.**
- D. **The towing devices shall be mounted such that they do not project rearward of the rear bumper.**

29. Transmission.

- A. Mechanical type transmission shall be synchromesh except first and reverse gears. Its design shall provide not less than four forward and one reverse speeds. With five-speed transmission, fifth gear shall be direct.
- B. Automatic transmissions are permissible when equipped with a parking pawl or approved parking brake system.

30. Turning Radius.

- A. Chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42 ½ feet, curb to curb measurement.
- B. Chassis with a wheel base over 264 inches shall have a right and left turning radius of not more than 44 ½ feet curb to curb measurement.

31. Weight distribution.

- A. Shall be established by chassis manufacturers engineering department.

32. Wheels.

- A. Disc wheels are required.

THE BUS BODY

33. Aisle.

- A. Minimum clearance of all aisles, including aisle (or passageway between seats) leading to emergency door shall be 12 inches. Aisles shall be unobstructed at all times.
- B. Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of 15 inches at top of seat backs.

34. Back-up Alarm.

- ~~A. An automatic audible alarm shall be installed behind the rear axle and shall comply with the published Backup Alarm Standards (SAE J994B), providing a minimum of 97 dba.~~
- A. **An automatic audible alarm shall be installed behind the rear axle and shall comply with the published Backup Alarm Standards (SAE J994b), providing a minimum of 112 dBA, or shall have a variable volume feature that allows the alarm to vary from 87 dBA to 112 dBA sound level, staying at least 5 dBA above the ambient noise level.**

35. Body sizes.

Sizes are based on knee-room clearance between rows of forward-facing seats, overall width, center aisle width, and average rump width.

36. Bumper, rear.

- A. Rear bumper shall be of pressed steel channel at least 3/16 inch by 9 ½ inches.
- B. It shall be wrapped around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line.
- C. Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.

- D. Rear bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line.
- E. Exception: Type A vehicles – Rear bumper shall be standard type furnished by chassis manufacturer as part of chassis on conversions. Body manufacturer will furnish bumper on cutaway chassis.

37. Color.

- A. School bus body including hood, cowl, external speakers and fenders shall be painted uniform color – national school bus yellow.
- B. Grill shall be national school bus yellow, **silver, or gray**, if painted; otherwise it shall be chrome or anodized aluminum.
- C. Rear bumper, body trim, and rub rails shall be painted black. **Must meet color requirements specific to bus. (See “Bus Chassis” specific specifications.)**
- D. The roof of the bus may be painted white extending down to the drip rails on the sides of the body except that front and rear roof caps shall remain national school bus yellow.
- E. All paint shall meet the lead-free standards.
- F. Retro-reflective tape. Material shall be Type V or better, as determined by the American Society of Testing Materials (ASTM: D4956-90).
“Standard specifications for reflective sheeting for traffic control.”
 - 1. ~~The material shall retain at least 50% of reflective values for a minimum of seven years.~~
 - 2. ~~Reflective materials and markings shall include all of the following:~~
 - a. ~~On the rear, a strip of reflective yellow material two inches in width to be applied on the back of the bus, extending from the left lower corner of the “SCHOOL BUS” lettering, across to left side of the bus, then vertically down to the top of the bumper, across the bus on a line immediately above the bumper on the right side, then vertically up to a point even with a horizontal strip terminating at the right lower corner of the “SCHOOL BUS” lettering.~~

- ~~b. "SCHOOL BUS" signs shall be marked with reflective yellow material comprising background for lettering of the front and rear "SCHOOL BUS" signs.~~
 - ~~e. Sides of the bus body shall be marked with reflective yellow material, two inches in width, extending the length of the bus body and located (vertically) as close as practicable to the beltline.~~
- 3. ~~On activity buses reflective material shall be installed on the rear and sides, following the same specifications in subdivisions 2a and 2c of this subsection. There will be no "SCHOOL BUS" signs on either the front or the rear of the activity bus. Color of the reflective material shall match, as closely as possible, the color of the bus body.~~
 - a. **The rear of the bus body shall be marked with strips of retro reflective NSBY material to outline the perimeter of the back of the bus using material which conforms with the requirements of FMVSS No. 131, *School Bus Pedestrian Safety Devices, Table 1*. The perimeter marking of rear emergency exits per FMVSS No. 217, *Bus Emergency Exits and Window Retention and Release*, and/or the use of retro reflective "SCHOOL BUS" signs partially accomplishes the objective of this requirement. To complete the perimeter marking of the back of the bus, strips of at least 1 ¾ inch retro reflective NSBY material shall be applied horizontally above the rear windows and above the rear bumper, extending from the rear emergency exit perimeter, marking outward to the left and right rear corners of the bus. Vertical strips shall be applied at the corners connecting these horizontal strips.**
 - b. **"SCHOOL BUS" signs, if not a lighted design, shall be marked with retro reflective NSBY material comprising background for lettering of the front and/or rear "SCHOOL BUS" signs.**
 - c. **Sides of the bus body shall be marked with at least 1 ¾ inch retro reflective NSBY material, extending the length of the bus body and located (vertically) between the floor line and the beltline.**

- d. **If used, signs placed on the rear of the bus relating to school bus flashing signal lamps or railroad stop procedures may be retro reflective material, as specified.**
- 4. OPTION: Rear bumpers on school or activity buses may be marked with a maximum three-inch wide continuous black strip of reflective material which continues around corners to the ends of the bumpers.

38. Communication system – optional equipment.

- A. Communication systems. If communication systems are used on school buses, the systems shall be subject to written policies adopted by the local school board. Installation shall be subject to the Department of Education Fleet Assessment.
 - 1. The radio mounting shall be in the driver's compartment in a safe, secure location, so as not to interfere with normal bus operation.
 - 2. Mounting shall be permanent. Temporary mountings will not be acceptable.
 - 3. Wiring shall be protected by a proper fuse or circuit breaker and permanently connected to an accessory circuit shut off by ignition switch. Plug-in type connections are not acceptable.
 - 4. Antenna shall be permanently mounted ~~to cowl or roof~~ so as not to interfere with driver's vision of roadway. Antenna lead-in cable shall be permanently secured with the proper clamps, grommets, and sealant. Antenna cable may not pass through window opening.
- B. Public address system. For use by driver, the system contains an inside speaker and/or an external speaker that is of special use when driver needs to caution pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed type.
- C. AM/FM radios and cassette players. If AM/FM radios or cassette players are installed, they shall be properly mounted by the body manufacturer or local shop personnel. All wiring shall be properly connected and concealed and any speakers shall be of recessed type.

No internal speakers, other than the driver's communication systems, may be installed within 4 feet of the driver's seat back in its rearmost upright position.

- D. ~~Video~~-Camera. Both equipment and installation shall be subject to the Department of Education annual fleet assessment.
1. Equipment shall not extend more than six inches from the front header panel into the driver's compartment.
 2. Camera boxes shall be mounted securely to the header without use of brackets or other supports.
 3. Mounted equipment shall be located on the left side of the front header and shall not interfere with passenger ingress and egress.

39. Construction, Type B, C, and D vehicles.

- A. Construction of body shall meet all requirements of FMVSS 220 (roll-over), 49 CFR § 571.220, FMVSS 221 (Joint Strength), 49 CFR § 571.221, and all other applicable federal standards.
- B. Construction shall be of prime commercial quality steel or other material with strength at least equivalent to all-steel as certified by bus body manufacturer. All such construction materials shall be fire resistant.
- C. Construction shall provide reasonable dust proof and watertight unit.
- D. Bus body (including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.
- E. Side posts and roof bows. There shall be a body side post and roof bow fore and aft of each window opening. This may be a continuous bow or two separate pieces effectively joined.
- F. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal or other material at least equal in strength to 14-gauge steel. Floor shall be level from front to back and from side to side except in wheel housing, toe board, and driver's seat platform areas. When plywood is used, it shall be of ½-inch exterior B.B. Grade or equivalent and securely fastened to the existing steel floor.
- G. Roof strainers. Two or more roof strainers or longitudinal members shall be provided to connect roof bows, to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header and, when combined with rear emergency doorpost, are to function as

longitudinal members extending from windshield header to rear floor body cross member. At all points of contact between strainers or longitudinal members and other structural material, attachment shall be made by means of welding, riveting or bolting.

H. Side strainers. There shall be one or more side strainers or longitudinal members to connect vertical structural members and to provide impact and penetration resistance in event of contact with other vehicles or objects. Such strainers shall be formed (not in flat strip) from metal of at least 16-gauge and three inches wide.

1. Side strainers shall be installed in area between bottom of window and bottom of seat frame and shall extend completely around bus body except for door openings and body cowl panel. Side strainers shall be fastened to each vertical structural member in any one or any combination of the following methods as long as stress continuity of members is maintained:

- a. Installed between vertical members;
- b. Installed behind panels but attached to vertical members;
and,
- c. Installed outside external panels.

2. Fastening method employed shall be such that strength of strainers is fully utilized.

3. Side strainers or longitudinal members may be combined with one of required rub rails (see Item 61), or be in form of additional rub rail, as long as separate conditions and physical requirements for rub rails are met. No portion of side strainer or longitudinal member is to occupy same vertical position as rub rail.

I. Floor sills. There shall be one main body sill at each side post and two intermediate body sills on approximately 10-inch centers. All sills shall be of equal height, not to exceed three inches. All sills shall extend width of body floor except where structural members or features restrict area.

Main body sill shall be equivalent to or heavier than 10-gauge and each intermediate body sill shall be equivalent to or heavier than 16-gauge, or each of all sills shall be equivalent to or greater than 14-gauge. All sills shall be permanently attached to floor.

Connections between sides and floor system shall be capable of distributing loads from vertical posts to all floor sills.

- J. All openings between chassis and passenger-carrying compartment made due to alternations of body manufacturer shall be sealed. (See Item 58).
- K. A cover shall be provided for the opening to the fuel tank fill pipe.
- L. A moisture and rustproof removable panel shall be provided in the floor for access to the fuel tank sender gauge. It shall be designed for prolonged use and adequate fastening to the floor.

40. Construction, Type A Vehicles.

- A. Construction of body shall meet all requirements of FMVSS 220 (Roll-over), 49 CFR § 571.220, and all other applicable federal standards.
- B. Body joints created by body manufacturer shall meet the 60% joint strength provision required in FMVSS 221.49, CFR § 571.221, for Type B, C, and D buses.
- C. Construction shall be of prime commercial quality steel or other material with strength at least equivalent to all steel as certified by bus body manufacturer. All such construction materials shall be fire resistant.
- D. Construction shall provide reasonably dustproof and watertight unit.
- E. Bus body (including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.
- F. Floor. Plywood of ½ inch exterior B.B. Grade or equivalent shall be applied over the existing steel floor and securely fastened. Floor shall be level from front to back and from side to side except in wheel housing, toe board, and driver seat platform areas.

Exception: Plywood may be deleted when provisions of subsection D and subdivision H 1 of Item 40 for Type C and D buses are met.

- G. Roof strainers. Two or more roof strainers or longitudinal members shall be provided to connect roof bows to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header to rear body header over the emergency door. At all points of contact between strainers of longitudinal members and other structural material, attachment shall be made by means of welding, riveting, or bolting.

After load as called for in Static Load Test Code has been removed, none of the following defects shall be evident:

1. Failure or separation at joints where strainers are fastened to roof bows;
2. Appreciable difference in deflection between adjacent strainers and roof bows;
3. Twisting, buckling, or deformation of strainer cross-section.

H. Side strainers. There shall be one longitudinal side strainer mounted at shoulder level (window sill level) and extending from front main vertical post to rear corner post. This member shall be attached to each vertical structural member. Such strainer shall be formed of metal (not in flat strip).

1. There shall be one longitudinal side strainer installed in the area between bottom of window and bottom of seat frame extending from front main vertical post to rear corner post. The member shall be attached to each vertical structural member.
2. Strainers may be fastened in any one or any combination of the following methods as long as stress continuity of members is maintained:
 - a. Installed between vertical members;
 - b. Installed behind panels but attached to vertical members;
or,
 - c. Installed outside external panels.
3. Fastening method employed shall be such that strength of strainers is fully utilized.

I. Area between floor and window line shall be restructured inside to include at least four vertical formed reinforcement members extending from floor to window line rail. They shall be securely attached at both ends.

J. Rear corner reinforcements. Rear corner framing of the bus body between floor and window sill and between emergency door post and last side post shall consist of at least one structural member applied horizontally to provide additional impact and penetration resistance equal to that provided

by frame members in areas of sides of body. Such member shall be securely attached at each end.

- K. All openings between chassis and passenger carrying compartment made due to alterations by body manufacturers shall be sealed. (See Item 58.)

41. Defrosters.

~~A. Defrosters shall be of sufficient capacity to keep windshield clear of fog, ice, and snow and to defog the window to the left of the driver. (See Item 46.) An auxiliary fan of sufficient capacity to defog the entrance door glass shall be installed above the windshield on the right side. An additional fan to the left of the driver is permissible. Fans shall be placed so as not to block driver's view of outside rearview mirrors.~~

- A. **Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to eliminate frost, fog and snow. (Exception: The requirements of this standard do not apply to the exterior surfaces of double pane storm windows.)**

- B. **The defrosting system shall conform to SAE J381, *Windshield Defrosting Systems Test Procedure and Performance Requirements – Trucks, Buses, and Multipurpose Vehicles*.**

- C. **The defroster and defogging system shall be capable of furnishing heated, outside ambient air, except that the part of the system furnishing additional air to the windshield, entrance door and step well may be the recirculating air type.**

- D. Exception: Type A vehicle, Auxiliary fan is not required.

42. Doors.

- A. Service Door.

1. Service door shall be manually or power-operated, under control of driver, and so designed as to afford easy release and prevent accidental opening. No parts shall come together so as to shear or crush fingers.
2. Service door shall be located on right side of bus opposite driver and within his direct view.

3. Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches.
4. Service door shall be of split-type, outward opening type.
5. All door glass shall be approved safety glass. Bottom of lower glass panel shall not be more than 10 inches from the bottom of the door. Top of upper glass panel shall not be more than three inches from top of door **opening**.
6. Vertical closing edges shall be equipped with flexible material to protect children's fingers.
7. All doors shall be equipped with padding at the top of each door opening. Pad shall be at least three inches wide and one-inch thick and extend the full width of the door opening.

B. Rear Emergency Door Type B, C, and D vehicles.

1. Emergency door shall be located in center of rear end of bus.
2. Rear emergency door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 45 inches measured from floor level.
3. Rear emergency door shall be hinged on right side and shall open outward and be equipped with an adequate strap or stop to prevent door from striking lamps or right rear of body. Such strap or stop shall allow door to open at least at a 90-degree angle from closed position.

Exception: Type D vehicles with rear engines – Emergency door shall be located on the left side, shall be hinged on the front side and open outward. Door shall meet all requirements of FMVSS 217, 49 § 571.217.

- ~~4. Upper portion of rear emergency door shall be equipped with approved safety glass, exposed area of which shall not be less than 400 square inches. Lower portion of door shall be equipped with approved safety glass, area of which shall not be less than 12 inches in height and 20 inches in width. This glass shall be protected by a metal guard on the inside. This guard shall be free of any sharp edges that may cause injury to passengers.~~
4. **The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area of which shall**

be at least 400 square inches. The lower portion of the rear emergency door on Types A, B, C and D vehicles shall be equipped with a minimum of 240 square inches of approved safety glazing. This glass shall be protected by a metal guard on the inside. This guard shall be free of any sharp edges that may cause injury to passengers.

5. There shall be no steps leading to emergency door.
6. When not fully latched, emergency door shall actuate signal audible to driver by means of mechanism actuated by latch.
7. Words "EMERGENCY DOOR," both inside and outside in black letters two inches high, painted or vinyl, shall be **in compliance with FMVSS 217.** ~~installed directly above emergency door.~~
~~Words may be placed on the top of door outside if space is available.~~
8. The emergency door shall be designed to open from inside and outside bus. It shall be equipped with a slide bar and cam-operated lock located on left side of door and fastened to the door framing.

The slide bar shall be approximately 1 ¼ inches wide and 3/8 inch thick and shall have a minimum stroke of 1 ¼ inches. The slide bar shall have a bearing surface of a minimum of ¾ inch with the door lock in a closed position. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of non-detachable device so designed as to prevent hitching-to, but to permit opening when necessary. Door lock shall be equipped with interior handle and guard that extended approximately to center of door. It shall lift up to release lock.

9. All doors shall be equipped with padding at the top edge of each door opening. Pad shall be at least three inches wide and one inch thick and extend the full width of the door opening.

C. Rear emergency door, Type A vehicles.

1. Emergency door shall be located in center of rear end of bus and shall be equipped with fastening device for opening from inside and outside body, which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of device designed to prevent hitching-to but to permit opening when necessary.

2. ~~When not fully closed, emergency door shall actuate signal audible to driver.~~

3. ~~Emergency door shall be marked "EMERGENCY DOOR" on inside and outside in painted or vinyl black letters two inches high immediately above the emergency door.~~

4. ~~There shall be no steps leading to emergency door.~~

2. 5. No seat or other object shall be placed in bus which restricts passageway to emergency door to less than 12 inches.

6. ~~All doors shall be equipped with padding at the top edge of each door opening. Pad shall be at least three inches wide and one inch thick and extend the full width of the door opening.~~

D. Security locking system. A locking system designed to prevent vandalism, which is approved by the Pupil Transportation Service, Department of Education, may be installed provided it is equipped with an interlock in the chassis starting circuit and an audible alarm to indicate to the driver when an emergency exit is locked while the ignition is in the "on" position. A cutoff switch on the interlock circuit or a lock and hasp on emergency exits shall not be permitted.

43. Emergency equipment.

A. Fire Extinguisher.

1. The bus shall be equipped with one dry-chemical fire extinguisher of at least five-pound capacity with pressure indicator, mounted in extinguisher manufacturer's bracket of automotive type, and located in full view and in an accessible place in the front of the bus.

2. **The fire extinguisher shall bear label of Underwriters' Laboratories, Inc., showing a rating of not less than 2A 10-B C, or greater.**

3. ~~The fire extinguisher shall have a rating of 2-A:10-BC, or greater. The operating mechanism shall be secured with a type of seal that will not interfere with the use of the fire extinguisher.~~

3. 4. Fire extinguisher shall have aluminum, brass, or steel valves, heads, check stems, siphon tubes, levers, safety pins, chain,

handles and metal hanging brackets. Plastic shall not be used for those named parts.

B. First Aid Kit.

1. Bus shall carry Grade A metal first-aid kit, unit-type, mounted in full view and in accessible place in the front of the bus and identified as a first-aid kit.

2. The first-aid kit shall contain the following items:

| Item | Unit |
|--|----------|
| Bandage compress (sterile gauze pads) 4-inch | 3 |
| Bandage compress (sterile gauze pads) 2-inch | 2 |
| Adhesive absorbent bandage (nonadhering pad) 1 x 3 inch | 2 |
| Triangular bandage, 40-inch | 2 |
| Gauze bandage, 4 inch | 2 |
| Absorbent-gauze compress | 1 |
| Antiseptic applicator (swab type) 10 per unit (Zephiran Chloride/Green Soap type) | 2 |
| Bee sting applicator (swab type) 10 per unit | 1 |
| Pair medical non-latex examination gloves | 1 |
| Mouth-to-mouth airway | 1 |

C. Warning Devices

1. Bus shall be equipped with a kit containing three reflectorized triangular warning devices meeting requirements FMVSS 125, 49 CFR § 571.125.
2. Kit shall be securely mounted.

D. Body Fluid Clean-up Kit

1. Each bus shall carry a Grade A metal or rigid plastic kit, mounted in an accessible place and identified as a body fluid clean-up kit with a directions for use sheet attached to the inside cover.
2. The kit shall be moisture proof and properly mounted or secured in a storage compartment.
3. Contents shall include but not be limited to the following items:
 - a. One pair non - latex gloves
 - b. One pick-up spatula or scoop

- c. One face mask
- d. Infectious liquid spill control powder
- e. Anti-microbial hand wipes – individually wrapped
- f. Germicidal disinfectant wipes – tuberculocidal
- g. Plastic disposal bag with tie

B. Seat Belt Cutter

~~1. Buses with installed seat belts for passengers shall also be equipped with a Seat Belt Cutter, installed in the driver's area.~~

- 1. **Each bus shall be equipped with a durable webbing cutter having a full width handgrip and a protected, replaceable or non-corrodible blade. The required belt cutter shall be mounted in a location accessible to the seated driver in an easily detachable manner.**

44. Emergency exits.

A. Each emergency exit shall comply with FMVSS 217, 49 CFR § 571.217, regarding the number of exits, types of exits and location of exits based on the capacity of the vehicle.

- 1. Side Emergency exit doors
 - a. A dedicated aisle of at least 12 inches in width, referenced to the rear of the emergency exit door is required.
 - b. Side emergency exit doors shall be hinged on the forward edge.
 - c. When not fully latched, side emergency exit door shall actuate a signal audible to the driver by means of a mechanism actuated by the latch when the ignition switch is on.
 - d. A security locking system designed to prevent vandalism may be installed provided it meets all specifications of Item 42 D.

2. Roof exits/vents

- a. All vehicles shall be equipped with a minimum of one emergency roof exit/vent approved by the Department of Education.
- b. When not fully latched, this exit shall actuate a signal audible to the driver by means of a mechanism actuated by the latch when the ignition switch is on.
- c. A roof exit/vent security locking system designed to prevent vandalism may be installed provided it meets all specifications of Item 42 D.
- d. When a single roof exit is installed, it shall be located as near as practicable to the longitudinal midpoint of the passenger compartment, and shall be installed such that the centerline of the hatch is on the longitudinal centerline of the bus.
- e. If two roof exits are utilized, they shall be located as near as practicable to the points equidistant between the longitudinal midpoint of the passenger compartment and the front and the rear of the passenger compartment.

NOTE: No removal or cutting of any roof structural component shall occur during installation. If the installation required by subdivisions 2 d and 2 e of this section cannot be accomplished as described, then prior approval by the Department of Education will be required through a written request from the local school division.

- f. Roof exits/vents shall have rustproof hardware.
- g. Roof exits/vents shall be hinged in the front and be equipped with an outside release handle.

3. Emergency exit windows.

- a. Push-out emergency windows are permissible, if required by FMVSS 217, 49 CFR § 571.217.
- b. When not fully latched, the emergency exit window shall actuate a signal audible to the driver by means of a mechanism actuated by the latch.

- c. No emergency exit window shall be located directly in front of a side emergency exit door.

45. Floor covering.

- A. Floor in under seat area, including tops of wheel housings, driver's compartment and toe board shall be covered with fire-resistant rubber floor covering or an approved equivalent, having minimum overall thickness of .125 inch. Driver's compartment and toe board area shall be trimmed with molding strips behind the cowl face line.
- B. Floor covering in aisle shall be of aisle-type fire resistant rubber or an approved equivalent, nonskid, wear-resistant and ribbed. Minimum overall thickness shall be .1875 inch measured from tops of ribs **and have a calculated burn rate of 0.1 or less, using the test methods, procedures and formulas listed in FMVSS No. 302.** Rubber floor covering shall meet federal specifications ZZ-M71d.
- C. Floor covering shall be permanently bonded to floor, and shall not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of the type recommended by manufacturer of floor-covering material. All seams shall be sealed with waterproof sealer.
- D. All floor covering seams shall be covered with trim and fastened with screws.
- E. **On Types B, C, and D buses, a flush-mounted, screw-down plate that is secured and sealed shall be provided to access the fuel tank sending unit and/or fuel pump. This plate shall not be installed under flooring material.**

46. Handrails

At least 1 handrail shall be installed. The handrail(s) shall assist passengers during entry or exit, and shall be designed to prevent entanglement, as evidenced by the passing of the NHTSA string and nut test.

47. Heaters.

- A. Hot water heaters of fresh air or combination fresh air and recirculating type, with power defrosters, are required.
- B. Heaters shall bear nameplate rating affixed by heater manufacturer on top of heater shell.

- C. Heaters shall be capable of maintaining inside temperature of 50° F, with an outside temperature of 20° F when the bus is loaded to one-half capacity.
- D. The heater wiring shall be connected to the cold side of the ignition switch through a continuous duty solenoid relay.
- E. The power defroster shall deliver a sufficient amount of heated air distributed through a windshield duct, nozzle or nozzles to defog and de-ice the entire windshield, and to defog the driver's window. The duct, nozzle, or nozzles shall be designed to prevent objects from being placed in any manner that would obstruct the flow of air.
- F. Water circulation cut-off valves in the supply and return lines, a minimum of ¾ inch diameter, shall be at or near the engine. A water flow-regulating valve in the pressure line for convenient operation by the driver is also required. All valves shall be ¼ turn ball type.
- G. Heater hoses, including those in engine compartment, shall be supported in such manner that hose chafing against other objects will not occur nor shall suspended water lines interfere with routine vehicle maintenance.
- H. All water hoses in driver or passenger area shall be shielded.
- I. An auxiliary heater of recirculating type, having a minimum capacity of 60,000 BTU output, shall be installed under the second seat behind the wheel housing. There shall be a grille or guard over exposed heater cores to prevent damage by pupils' feet.
- J. Exception: Type A and D vehicles.
 - 1. Front heater with high output and defroster shall be furnished by the chassis manufacturer.
 - 2. The body manufacturer shall provide an additional under seat heater near the rear of the bus.
- K. All heater cores shall be the coiled tubing fin type approved by the Department of Education.

48. Hinges

All exterior metal door hinges shall be designed to allow lubrication to be channeled to the center 75% of each hinge loop without disassembly, unless they are constructed of stainless steel, brass or non-metallic hinge pins or other designs that prevent corrosion.

49. Identification of school buses.

- A. For purposes of identification, school buses shall be lettered as follows:
1. Lettering shall be placed according to Diagrams 7 and 8. Lettering shall be of black paint or vinyl and conform to “Series B” for Standard Alphabets for Highway Signs.
 2. Both the front and rear of the body shall bear the words, “SCHOOL BUS” in black letters eight inches in height.
 3. All school buses shall have a black painted or vinyl number four inches high on the rear of the body, on the right side just back of the entrance door, and on the left side just back of the warning sign. The number shall also be placed on the front of the bus in a location approved by the Department of Education. **Symbols or letters are not to exceed 64 121 square inches of total display near the entrance door, displaying information for identification by the students of the bus or route served.**
 4. The name of the school division shall be on each side of the bus in black letters four inches high – as “... COUNTY PUBLIC SCHOOLS,” OR “....CITY PUBLIC SCHOOLS.”
 5. Options:
 - a. The bus number may be placed in the center of the bus roof with black (12-inch minimum) numbers.
 - b. A black number (four-inch maximum) may be placed on the inside rear header. It shall not interfere with emergency door lettering.
 - c. **Identification of fuel type in 2 inch lettering adjacent to the fuel filler opening.**

50. Inside height.

- A. Inside body height shall be 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.
- B. Exception: Type A conversion van – Inside body height shall be 62 inches minimum.

51. Insulation.

- A. Ceilings and walls shall be coated with proper materials to deaden sounds and to reduce vibrations to a minimum. ~~Fiberglass~~ thermal insulation (minimum R-value of 5.5) shall be used to insulate walls and roof between inner and outer panels.

52. Interior.

- A. Interior of bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. Ceiling panels shall be constructed so as to contain lapped joints with all exposed edges hemmed to minimize sharpness. If lateral panels are used, forward panels shall be lapped by rear panels.

53. License Plates

- A. **All vehicles shall be constructed so that mounting and securing of license plates will be compliant with FMVSS and Code of Virginia, Section 46.2-716.**

54. Lights and Signals.

- A. No lights or signals other than specified here shall be installed on school buses, except those required by federal regulations. All lights and reflectors shall be approved by the Superintendent, Department of State Police, Commonwealth of Virginia.
 - 1. Clearance lights. Body shall be equipped with two red clearance lamps at rear, two amber clearance lamps at front, and intermediate side marker lamps on buses 30 feet or more in length controlled by headlight switch. They ~~shall~~ **may** be of armour type.
 - 2. Identification lamps. Three amber lamps shall be mounted on front and three red lamps on rear of body controlled by the headlight switch.
 - 3. Stop and tail lamps. Bus shall be equipped with two matched stop and tail lamps of heavy duty type, which shall be in combination, emitting red light plainly visible from a distance of at least 500 feet to rear, and mounted on rear end with their centers not less than 12 nor more than 24 inches from plane side of body, and not less than six or more than 18 inches below D-glass in rear of body. They shall be approximately seven inches in diameter or, if a shape other than round, a minimum 38 square inches of illuminated area and

shall meet SAE specifications. These lights shall be on the same horizontal line with the turn signal units and shall not flash.

4. Back-up lamps. ~~Back-up lamps shall be mounted on the rear of the body and shall be illuminated when the ignition switch is energized and reverse gear is engaged.~~ **The bus body shall be equipped with 2 white rear backup lamps that are at least 4 inches in diameter or, if a shape other than round, a minimum of 12 square inches of illuminated area and shall meet FMVSS No. 108. If backup lamps are placed on the same horizontal line as the brake lamps and turn signal lamps, they shall be to the inside.**
5. Interior lamps. Interior lamps shall be provided which adequately illuminate aisles and step well.
6. Turn signal units. Bus shall be equipped with Class A, flashing turn signal units of heavy-duty type. These signals shall be independent units equipped with amber lenses on all faces. The turn signals/directional signal units shall activate only when ignition is in “on” position. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be seven inches in diameter, or if a shape other than round, the lights must be 38 square inches in area and mounted not less than six nor more than 18 inches from plane of the side of the body and not less than six nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in 3 above. ~~Turn signal lens shall contain directional arrows made into the lens or light.~~
 - a. In addition to the turn signals described above, two amber lenses metal turn signal lamps of armour-type with a minimum of four candlepower each shall be mounted on the body side at approximate seat level height and located just to the rear of the entrance door on the right side of the body and approximately the same location on the left side. They are to be connected to and function with the regular turn signal lamps. Such lamps shall provide 180° angle vision and if painted, they shall be black.
 - b. Exception: Type A – Turn signals shall be chassis manufacturer’s standard.
7. Hazard warning signal. The turn signal units shall also function as the hazard warning system. The system shall operate

independently of the ignition switch and, when energized, shall cause all turn signal lamps to flash simultaneously.

8. Reflex reflectors. (Class A) Two amber lights and two amber reflectors (they may be combined) shall be mounted, one on each side, near the front of the chassis. Two three-inch red reflectors shall be mounted, one on each side near the rear of the body and two three-inch red reflectors shall be mounted on the rear above the bumper. Two intermediate amber three-inch reflectors, one on each side near the middle of the bus, shall be mounted on buses 30 feet or more in length. They shall be mounted on panel above floor line rub rail.
9. School bus traffic warning lights.
 - a. **A non-sequential system for the traffic warning lights shall be installed that allow the red lights to activate when the door opens.**
 - b. Buses shall be equipped with four red lights and four amber lights. One amber light shall be located near each red light, at the same level, but closer to the vertical centerline of the bus. All lights shall comply with SAE standards for school bus warning lamps.
 - c. The traffic warning light system shall be wired so that the amber lights are activated manually by a hand operated switch. When door is opened, amber lights automatically will be deactivated and red lights, warning sign with flashing lights and crossing control arm shall be activated. When door is closed, all lights shall be deactivated. No lights shall come on when door is reopened unless the manual switch is depressed. There shall also be a cancellation switch in case lights are accidentally activated or when no stop needs to be made.
 - d. The control circuit shall be connected to the cold side of the ignition switch with the master push button cancel switch mounted on the accessory console, clearly distinguished, visible and accessible to the driver.
 - e. The flasher and the relay shall be fastened in a compartment in the driver area and be easily accessible for servicing. The location of the flasher shall be approved by the Department of Education.

- f. System shall contain an amber pilot light for amber lamps and a red pilot light for red lamps, clearly visible to the driver, to indicate when system is activated.
 - g. Three-inch black painted border around the lamps is required ~~if not~~ **and must be** equipped with a black painted housing.
 - h. All electrical connections shall be soldered or connected by an acceptable SAE method.
 - i. All switches and pilot lights shall be properly identified by labels.
 - j. There shall be an interrupt feature in the system to interrupt the traffic warning sign and the crossing control arm when their use is not desired. This feature shall consist of a double throw relay and a ~~push button~~ momentary switch.
 - k. Manual switch, cancel switch and interrupt switch shall be ~~push button or flip type~~ momentary switches.
 - l. **Additional side-mounted warning lights. Option for school divisions approved for participation in the Board of Education's approved pilot program. Additional warning lights may be mounted on the front sides of the school bus above the entrance door and the driver's window. Lights must work in conjunction with the standard warning light system and must meet FMVSS and SAE standards or must be of a type approved by the Department of State Police.**
5. School bus traffic warning sign must conform to FMVSS 131.
- a. Warning sign shall be mounted on the left side near the front of the bus immediately below the window line.
 - b. Sign shall be of the octagon series, 18 inches in diameter, and be equipped with wind guard. The sign shall have a red background with a ½ inch white border, and the word "STOP" on both sides in white letters, six inches high and one inch wide. The sign shall be reflective.
 - c. Sign shall have double-faced alternately flashing red lights, four inches in diameter, located at the top and bottom most portions of the sign, one above the other.

- d. The sign shall be connected and energized through the red traffic warning lamps.
 - e. Air operated signs require air pressure regulator in addition to control valve. Source of supply shall be the main air tank with a pressure protection valve at the tank.
 - f. Sign and components shall comply with all provisions of SAEJ 1133.
 - g. **A second school bus traffic warning sign on the left side near the rear of the bus, may be mounted on all 64, or larger sized passenger Type C and D school buses.**
11. School bus crossing control arm.
- a. An approved crossing control arm shall be mounted on the right end of the front bumper with mounting brackets appropriate for the bumper configuration.
 - b. The arm shall be activated in conjunction with the traffic warning sign.
 - c. The arm when in the stored position shall have a magnetic or other suitable latch to secure the arm against the bumper.
 - d. Source of supply for air-operated arms shall be the main air supply tank with pressure protection valve at tank.
 - e. Appropriate grommets or a loom shall be used where wires or tubes go through holes in bumper and firewall.
12. Strobe warning light.
- a. A white flashing strobe light shall be installed on the center rear one-third portion of the roof a minimum of 42 inches from the rear of the roof edge, **or** located aft of the rearmost roof hatch. Light shall have a single clear lens emitting light 360 degrees around its vertical axis. A manual switch and a pilot light must be included to indicate when the light is in operation.
 - b. The strobe light shall operate when the bus transports students during periods of reduced visibility caused by atmospheric conditions other than darkness. These lights

may also be used anytime the bus is transporting school children.

55. Metal treatment.

- A. All metal parts that will be painted shall be chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.

56. Mirrors.

- A. Interior rear view mirror at least 6 x 30 inches, metal encased safety glass of at least 1/8 inch thickness, which will afford good view of pupils and roadway to rear and shall be installed in such a way that vibration will be reduced to a minimum. It shall have rounded corners and protected edges.
- B. Exception: Type A - Interior mirror to be 6 x 16 inches.
- C. All buses shall have a mirror system that conforms to FMVSS 111, 49 CFR § 271.111 as amended.
- D. Thermostatically controlled heated exterior mirrors are permissible.
- E. Motorized exterior mirrors may be used.

57. Mounting.

- A. Chassis frame shall extend to rear edge of rear body cross member. Bus body shall be attached to chassis frame in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.
- B. Body front shall be attached and sealed to chassis cowl in such manner as to prevent entry of water, dust, and fumes through joint between chassis cowl and body.
- C. Insulating material shall be placed at all contact points between body and chassis frame **on Types A, B, C and D buses**. Insulating material shall be approximately 1/4 inch thick and shall be so attached to chassis frame or body member that it will not move under severe operating conditions.
- ~~D. Exception: Type A Standard does not apply.~~

58. Openings.

- A. Any openings in body or front fenders of chassis resulting from change necessary to furnish required components shall be sealed. (See Item 21 and Item 40 K.)

59. Overall length.

- A. Overall length of bus shall not exceed 40 feet.

60. Overall width.

- A. Overall width of bus shall not exceed 100 inches, including traffic-warning sign in closed position. Outside rearview mirrors are excluded.

61. Rub Rails.

- A. There shall be one rub rail located on each side of the bus at seat cushion level which extends from the rear side of the entrance door completely around the bus body (except the emergency door or any maintenance access door) to the point of curvature near the outside cowl on the left side, or to the front corner of the bus body.
- B. There shall be one additional rub rail located on each side at, or no more than 10 inches above, the floor line. The rub rail shall cover the same longitudinal area as the upper rub rail, except at the wheel housings, and it shall extend only to the radii of the right and left rear corners.
- C. Both rub rails shall be attached at each body post and at all other upright structural members.
- D. Each rub rail shall be four inches or more in width in their finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.
- E. Both rub rails shall be applied outside the body or outside body posts. (Pressed-in or snap-on rub rails do not satisfy this requirement.) For Type A-1 vehicles using the body provided by the chassis manufacturer or for types A-2, B, C and D using the rear luggage or rear engine compartment, rub rails need not extend around the rear corners.
- F. There shall be a rub rail or equivalent bracing located horizontally at the bottom edge of the body side skirts.

62. Seat belt for driver.

- A. A locking retractor type 2-lap belt/shoulder harness seat belt shall be provided for the driver. Each belt section shall be bootied so as to keep the buckle and button-type latch off the floor and within easy reach of the driver. Belt shall be anchored in such a manner or guided at the seat frame so as to prevent the driver from sliding sideways from under the belt.

63. Seats.

- A. All seats shall have minimum depth of 14 inches.
- B. In determining seating capacity of bus, allowable average rump width shall be 13 inches. (See Item 35.)
- C. All seats shall conform to FMVSS 222.
- D. Seating plans for buses with wheelchair positions see Item 80 and Item 85. All school bus seating shall be of a three (3) to three (3) arrangement with the exception of the last row seat to the left of any rear emergency door. This seat shall be of a maximum width of 26" limiting it to two (2) passengers. There shall be provided a full width barrier in front of each seating position. Type D, Rear engine buses shall be exempt from the last row requirements.
- E. Floor track seat securement may be used.
- F. Passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident. Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of five times weight of cushion. System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion.
- G. No bus shall be equipped with jump seats or portable seats.
- H. Seat spacing shall ~~provide a minimum of 25-inch knee room at center of seat, when measured horizontally from back to back, at cushion level.~~ **meet FMVSS 222.**
- I. Seat and back cushions of all seats shall be designed to safely support designated number of passengers under normal road conditions encountered in school bus service. Covering of seat cushions shall be of material having 42 ounce finished weight, 54-inch width, and finished vinyl coating of 1.06 broken twill. Material on polyester drill and polyester cotton twill knit backing with equal vinyl coating which meets or exceeds the laboratory test results for the 42 ounce 1.06 covering may

be used. Padding and veering on all seats shall comply with provisions of FMVSS 302, 49 CFR § 571.302.

- J. Minimum distance between steering wheel and backrest of driver's seat shall be 11 inches. Driver's seat shall have fore-and-aft adjustment of not less than four inches and up and down adjustment of three inches. It shall be manually adjustable and strongly attached to floor.
- K. Minimum of 36-inch headroom for sitting position above top of undeepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than seven inches from sidewall at cushion height and at fore-and-aft center of cushion.
- L. Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor.
- M. Seat back heights shall be between 19 and 24 inches measured from cushion level.

64. Barrier.

- A. A padded barrier shall be installed at rear of driver's seat in such a position as not to interfere with adjustment of driver's seat.
- B. A padded barrier shall be installed at rear of entrance step well. Barrier to coincide with length of the right front seat cushion with minimum width of 26 inches and shall have a modesty panel to extend from bottom of barrier to floor.

65. Steps.

- A. First step at service door shall be not less than 10 inches and not more than 14 inches from ground, based on standard chassis specifications.
- B. Service door entrance may be equipped with two-step or three-step step well. Risers in each case shall be approximately equal.
- C. Steps shall be enclosed to prevent accumulation of ice and snow.
- D. Steps shall not protrude beyond side bodyline.
- E. Grab handle not less than 20 inches in length shall be provided in unobstructed location inside doorway, but shall not be attached so that it will interfere with the opening of the glove compartment door. This handle shall be designed to eliminate exposed ends that would catch

passenger clothing and shall be so placed in a position to aid small children entering the bus.

- F. Step covering. All steps, including floor line platform area, shall be covered with 3/16 inch rubber metal-backed treads with at least 1 ½ inch white nosing (or three inch white rubber step edge with metal back at floor line platform area).
1. Step tread minimum overall thickness shall be 3 /16 inch.
 2. Backing of tread shall be permanently bonded to rubber no-slip surface.
 3. 3/16 inch step tread shall have a 1 ½ inch white nosing as integral piece without any joint
 4. Rubber portion of step treads shall have following characteristics:
 - a. Special compounding for good abrasion resistance and high co-efficient of friction
 - b. Flexibility so that it can be bent around a ½ inch mandrel both at 20° F and 130° F without breaking, cracking, or crazing
 - c. Show a durometer hardness 85 to 95.
 - d. Have the surface constructed in a manner to prevent slippage.

66. Stirrup Steps.

- A. ~~There shall be one folding stirrup step and suitably located handle on each side of front of body for easy accessibility for cleaning windshield and lamps.~~
- B. ~~Exception: Type A vehicles Standard does not apply.~~

If the windshield and lamps are not easily accessible from the ground, there may be at least 1 folding stirrup step or recessed foothold installed on each side of the front of the body for easy accessibility for cleaning. There also may be a grab handle installed in conjunction with the step. Steps are permitted in or on the front bumper in lieu of the stirrup steps if the windshield and lamps are easily accessible for cleaning from that position.

67. Storage and luggage compartments.

- A. Vehicles may be equipped with luggage compartments or tool compartments in the body skirt provided they do not reduce ground clearance to less than 14 ½ inches from bottom of compartment and that the addition of the compartments does not exceed the vehicles' GVWR.

68. Sun Shield.

- A. Interior adjustable transparent sun shield, darkest shade available, not less than 6 x 30 inches shall be installed in position convenient for use by driver.
- B. Exception: Type A vehicles – Manufacturer's standard is acceptable.

69. Tail pipe.

- A. Tail pipe shall extend to but not more than ~~14~~ 2 inches beyond outer edge of rear bumper. (See Item 12 B.)

70. Trash Container and Hold Device

When requested or used, the trash container shall be secured by a holding device that is designed to prevent movement and to allow easy removal and replacement. It shall be soft, pliable, and installed in an accessible location in the driver's compartment, not obstructing passenger access to the entrance door.

71. Undercoating.

- A. Entire underside of bus body, including floor sections, cross members, and below floor line side panels, shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body building that compounds meet or exceed all performance requirements of Federal Specification TT-C-520 b using modified test procedures for following requirements:
 - 1. Salt spray resistance – pass test modified to 5.0% salt and 1,000 hours
 - 2. Abrasion resistance - pass
 - 3. Fire resistance - pass
- B. Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommend film thickness and shall

show no evidence of voids in cured film. Undercoating is expected to prevent rust under all bus service conditions for minimum of five years.

72. Ventilation and air conditioning.

- A. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.
- B. Static-type, non-closable, exhaust roof ventilators shall be installed in low-pressure area of roof panel.
- C. Air conditioning units may be installed on an optional basis. Application requires heavier electrical components and assessment by the Department of Education, on an individual unit basis.
- D. **Auxiliary fans shall meet the following requirements:**
 - 1. **Fans for left and right sides of the windshield shall be placed in a location where they can be adjusted for maximum effectiveness and where they do not obstruct vision to any mirror. Note: Type A buses may be equipped with one fan;**
 - 2. **Fans shall have 6-inch (nominal) diameter; and**
 - 3. **Fan blades shall be enclosed in a protective cage. Each fan shall be controlled by a separate switch.**

73. Water test.

- A. Each and every school bus body, after it is mounted on chassis ready for delivery, shall be subjected to a thorough water test in which water under pressure equal to a driving rain is forced against the entire bus body from various directions. Any leaks detected are to be repaired before the bus is declared ready for delivery.

74. Wheel housings.

- A. Wheel housings shall be of full open type.
- B. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent any dust or water from entering the body. **Wheel housings shall be constructed of 16-gauge (or thicker) steel.**

- C. Inside height of wheel housings above floor line shall not exceed ~~10~~**12** inches.
- D. No part of a raised wheel housing shall extend into the emergency door opening.**
- E. Wheel housings shall provide clearance for dual wheels as established by National Association of Chain Manufacturers. Mounting of housings in the wheel area must be free of protruding screws and bolts.
- F. Exception: Type A vehicles – Standard does not apply to conversion vans.

75. Windshield and Windows.

- A. All glass in windshield, windows, and doors shall be of approved safety glass, so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction. Windshield shall be AS1 and all other glass shall be AS2.
- B. Plastic glazing material of a thickness comparable to AS2 glass, meeting ANSI Standard Z 26.1 and FMVSS 205, 49 CFR § 571.205, may be used in side windows behind the driver's compartment.
- C. Windshield shall have horizontal shade band consistent with SAE J-100 or have full tinted glass.
- D. Each full side window shall provide unobstructed emergency opening at least nine inches high and 22 inches wide, obtained either by lowering of window or by use of knock-out type split-sash windows.
- E. Approved tinted glass or plastic glazing material may be used.
- F. Type A-2 – Per manufacturer's specifications**

76. Windshield washers.

- A. Windshield washers meeting federal requirements shall be provided and shall be controlled by a switch located on instrument panel. Reservoir shall be mounted outside passenger compartment.

77. Windshield wipers.

- A. Bus shall be equipped with variable-speed windshield wipers of air or electric-type powered by a motor or motors of sufficient power to operate wipers.

- B. Blades and arms shall be of such size that minimum blade length will be 12 inches with longer blades being used whenever possible.
- ~~C. Wiper motor and arm linkage shall be shielded to prevent objects from being placed against them.~~
- C. **The wipers shall meet the requirements of FMVSS No. 104, Windshield Wiping and Washing Systems.**

78. Wiring.

- A. All wiring shall conform to current standards of Society of Automotive Engineers.
- B. Circuits
 - 1. Wiring shall be arranged in at least 12 regular circuits as follows:
 - a. Head, tail, stop (brake) and instrument panel lamps
 - b. Clearance lamps
 - c. Dome and step well lamps
 - d. Starter motor
 - e. Ignition
 - f. Turn-signal units
 - g. Alternately flashing red signal lamps
 - h. Horns
 - i. Heater and defroster
 - j. Emergency door buzzer
 - k. Auxiliary fan
 - l. Booster pump
 - 2. Any of the above combination circuits may be subdivided into additional independent circuits.

3. Whenever possible, all other electrical functions (such as electric-type windshield wipers) shall be provided with independent and properly protected circuits.
 4. Each body circuit shall be color coded or numbered and a diagram of the circuits shall be attached to the body in a readily accessible location.
- C. A circuit breaker shall be provided for each circuit except starter motor and ignition circuits.
 - D. A continuous duty solenoid relay operated by the ignition switch, for Circuits i, j, k, and l.
 - E. All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) that will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through body member, additional protection in form of appropriate type of insert shall be provided.
 - F. All light circuits shall be such as to provide, as nearly as possible, bulb design voltage at light bulb terminals.
 - G. Wires shall be fastened securely at intervals of not more than 24 inches. All joints shall be soldered or jointed by equally effective connectors.
 - H. Buses using multiplexed electrical systems may meet the intent of these specifications without the use of specified equipment, subject to the approval of the Department of Education.
 - I. **There shall be a manual noise suppression switch installed in the control panel. The switch shall be labeled and alternately colored. This switch shall be an on/off type that deactivates body equipment that produces noise, including, at least, the AM/FM radio, heaters, air conditioners, fans and defrosters. This switch shall not deactivate safety systems, such as windshield wipers or lighting systems.**

SPECIFICATIONS FOR LIFT-GATE SCHOOL BUSES

79. General Requirements.

- A. School buses or school vehicles designed for transporting children with special transportation needs shall comply with Virginia's standards applicable to school buses and Federal Motor Vehicle Safety Standards as applicable to their GVWR category.

- B. Any school bus that is used for the transportation of children, who are confined to a wheelchair or other restraining devices that prohibit use of the regular service entrance, shall be equipped with a power lift, unless a ramp is needed for unusual circumstances.
- C. Lift shall be located on the right side of the body, in no way attached to the exterior sides of the bus but confined within the perimeter of the school bus body when not extended.

80. Aisles.

- A. All aisles leading to the emergency door from wheelchair area shall be a minimum of 30 inches in width. **A wheelchair securement position shall never be located directly in front of (blocking) a power lift door location.**

81. Communications.

- A. Special education buses shall be equipped with a two-way communication system. (See Item 38 A.)

82. Fastening devices.

- A. Unless otherwise specified below, fastening devices shall conform to FMVSS 222, 49 CFR § 571.222, as amended.
 - 1. Wheelchair fastening devices shall be provided and attached to the floor or walls or both to enable securement of wheelchairs in the vehicle. The devices shall be of the type that requires human intervention to unlatch or disengage. The fastening devices shall be designed to withstand forces up to 3,000 pounds per tie down leg or clamping mechanism or 12,000 pounds total for each wheelchair.
 - 2. Additional fastening devices may be needed to assist the student due to the many different configurations of chairs and exceptionalities.

83. Heaters.

- A. An additional heater shall be installed in the rear portion of the bus behind wheel wells as required in Item 53 I, except a 50,000 minimum BTU heater may be used in bodies originally designed for 31-66 passenger capacity and 34,000 minimum BTU heater may be used in bodies of 30

passengers or less. Hose to rear heater, when under body shall be encased in metal tube.

84. Identification.

- A. Buses with wheelchair lifts used for transporting children with physical disabilities shall display universal handicapped symbols located on the front and rear of the vehicle below the window line. Such emblems shall be white on blue, shall be a minimum of nine inches and a maximum of 12 inches in size, and ~~shall be reflectorized~~ **shall be of a high-intensity retro reflective material meeting the requirements of Federal Highway Administration (FHWA) FP-85, *Standard Specifications for Construction of Road and Bridges on Federal Highway Projects.*** They shall be placed so as not to cover lettering, lamps or glass.

85. Passenger Capacity Rating.

In determining the passenger capacity of a school bus for purposes other than actual passenger load (e.g., vehicle classification or various billing/reimbursement models), any location in a school bus intended for securement of a wheelchair during vehicle operation shall be regarded as four designated seating positions, and each lift area shall count as four designated seating positions.

86. Power Lift.

- A. Lifting mechanism shall be able to lift minimum payload of 800 pounds. A clear opening and platform to accommodate at least a 30-inch wide wheelchair shall be provided.
- B. When the platform is in the fully up position, it shall be locked in position mechanically and also shall have an additional support, or lug in the door to prevent the lift from resting against the door.
- C. Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus. There shall be a means of preventing the lift platform from falling while in operation due to a power failure.
- D. Power lifts shall be so equipped that they may be manually raised in the event of power failure of the power lift mechanism.
- E. Lift travel shall allow the lift platform to rest securely on the ground.

- F. All edges of the platform shall be designed to restrain wheelchair and to prevent operator's feet from being entangled during the raising and lowering process.
- G. Up and down movements of the lift platform shall be perpendicular to the plane of the bus body in all positions.
- H. A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground level.
- I. A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in subsection H above. The lift platform shall be skid resistant.
- J. A circuit breaker or fuse energized through the ignition side of the accessory solenoid shall be installed between power source and lift motor if electrical power is used.
- K. The lift mechanism shall be equipped with adjustable limit switches or bypass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up position or full down position.
- L. Handrails shall be required.
- M. Sharp or protruding edges or components shall be padded.
- N. A safety cut off master switch may be installed.

87. Ramps.

- A. When a power lift system is not adequate to load and unload students having special and unique needs, a ramp device may be installed.
 - 1. If a ramp is used, it shall be of sufficient strength and rigidity to support the special device, occupant, and attendants. It shall be equipped with a protective flange on each longitudinal side to keep special device on the ramp.
 - 2. Floor of ramp shall be of nonskid construction.
 - 3. Ramp shall be of weight and design, and equipped with handles, to permit one person to put ramp in place and return it to its storage place.

88. Regular service entrance.

- A. In Type D vehicles, there shall be three step risers, of equal height, in the entrance well.
- B. An additional foldout step may be provided which will provide for the step level to be no more than six inches from the ground level.
- C. Three step risers in Type C vehicles are optional.

89. Restraining devices.

- A. Seat frames may be equipped with attachments or devices to which restraining harnesses or other devices may be attached. Attachment framework or anchorage devices, if installed, shall conform to FMVSS 210, 49 CFR § 571.210, **and FMVSS No. 213.**

90. Seating arrangements.

- A. Flexibility in seat spacing to accommodate special devices shall be permitted due to the constant changing of passenger requirements.
- B. There shall be a padded barrier forward of any standard seating position and between lift-gate and first seat to rear of lift-gate. A wheelchair position immediately forward of lift-gate shall have a barrier between lift and wheelchair. (See Item 64.)

91. Special light.

- A. Lights shall be placed inside the bus to sufficiently illuminate lift area and shall be activated from door area. An outside light to be activated when lift door is open and deactivated when lift door is closed is permissible.

92. Special service entrance.

- A. Bus bodies may have a special service entrance constructed in the body to accommodate a wheelchair lift for the loading and unloading of passengers.
- B. The opening to accommodate the special service entrance shall be at any convenient point on the right (curb side) of the bus and far enough to the rear to prevent the doors, when open, from obstructing the right front regular service door (excluding a regular front service door lift).

- C. The opening shall not extend below the floor level. Outboard type lifts shall be used.
- D. The opening, with doors open, shall be of sufficient width to allow the passage of wheelchairs. The minimum clear opening through the door and the lift mechanism shall be 30 inches in width.
- E. A drip molding shall be installed above the opening to effectively divert water from entrance.
- F. Entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform.
- G. Doorposts and headers from entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors.
- H. Special service entrance doors shall be equipped with padding at the top edge of the door opening. Pad shall be at least three inches wide and one inch thick and extend the full width of the door opening.

93. Special service entrance doors.

- ~~A. A single door may be used if the width of the door opening does not exceed 43 inches.~~ **A single door of a minimum 43 inches may be used.**
- ~~B. Two doors shall be used if any door opening would have to exceed 43 inches.~~
- ~~B. C.~~ All doors shall open outwardly.
- ~~C. D.~~ All doors shall have positive fastening devices approved by Pupil Transportation Services to hold doors in the open position.
- ~~D. E.~~ All doors shall be weather sealed and on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed.
- ~~E. F.~~ When dual doors are provided, the rear door shall have at least a one-point fastening device to the header. The forward mounted door shall have at least three-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position. The door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door.

- F. ~~G.~~ Door materials, panels, and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.
- G. ~~H.~~ Each door shall have windows set in a waterproof manner compatible within one inch of the lower line of adjacent sash.
- H. ~~I.~~ Doors shall be equipped with a device that will actuate a flashing visible signal located in the driver's compartment when doors are not securely closed and ignition is in "on" position.
- I. ~~J.~~ A switch shall be installed so that the lifting mechanism will not operate when the lift platform doors are closed.

94. Special optional equipment.

- A. Special seats for attendants may be installed on an optional basis. The location, restraints, and so forth shall be assessed and approved on an individual unit basis. All equipment shall be secured properly.

Addendum

Air Conditioning (Optional)

The following specifications are applicable to all types of school buses that may be equipped with air conditioning.

1. Performance Specifications

The installed air conditioning system should cool the interior of the bus from 100 degrees to 80 degrees Fahrenheit, measured at three points (minimum) located four feet above the floor on the longitudinal centerline of the bus. The three required points shall be: (1) near the driver's location, (2) at the longitudinal midpoint of the body, and (3) two feet forward of the emergency door, or for Type D rear-engine buses, 2 feet forward of the end of the aisle.

The test conditions under which the above performance must be achieved shall consist of (1) placing the bus in a room (such as a paint booth) where ambient temperature can be maintained at 100 degrees Fahrenheit; (2) soaking the bus at 100 degrees Fahrenheit with windows open for at least one hour; and (3) closing windows, turning on the air conditioner with the engine running at the chassis manufacturer's recommended low idle speed, and cooling the interior of the bus to 80 degrees Fahrenheit, or lower, within 30 minutes while maintaining 100 degrees Fahrenheit outside temperature.

Alternately, and at the user's discretion, this test may be performed under actual summer conditions, which consist of temperatures above 85 degrees Fahrenheit, humidity above 50% with normal sun loading of the bus and the engine running at the engine manufacturer's recommended low idle speed. After a minimum of one hour of heat-soaking, the system shall be turned on and must provide a minimum of a 20 degree temperature drop in the 30 minutes time limit.

The manufacturer shall provide facilities for the user or user's representative to confirm that a pilot model of each bus design meets the above performance requirements.

2006 School Bus Type Specifications

NOTICE

These Specifications define certain, but not all, components required on school bus chassis purchased by public school divisions.

Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Pupil Transportation Service, Department of Education, is prohibited.

The responsibility for compliance with these school bus specifications rests with dealers and manufacturers. If any dealers or manufacturers sell school bus vehicles that do not conform to any or all of these specifications, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “A” 16 & 24 PASSENGER CONVENTIONAL

| | |
|----------------------------|---|
| <u>GVWR</u> | 10,000 (MINIMUM) |
| <u>WHEELS</u> | DISC 16 x 6 |
| <u>TIRES</u> | RADIAL FRONT AND DUAL RADIAL REAR |
| <u>FRAME</u> | PER MANUFACTURER STANDARDS FOR SEVERE SERVICE |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | HEAVY DUTY PAINTED BLACK |
| <u>FRONT AXLE</u> | GVWR AT GROUND COMMENSURATE WITH FRONT; WEIGHT LOADS THAT WILL BE IMPOSED BY BUS |
| <u>REAR AXLE</u> | GVWR AT GROUND COMMENSURATE WITH REAR; WEIGHT LOADS THAT WILL BE IMPOSED BY BUS |
| <u>BRAKES</u> | POWER, WITH ANTI LOCK BRAKE SYSTEM |
| <u>SUSPENSION</u> | PER MANUFACTURER STANDARDS FOR SEVERE SERVICE |
| <u>ENGINE</u> | INTERNAL COMBUSTION (ECM SET TO MAXIMUM OF 55 MPH) |
| <u>TRANSMISSION</u> | AUTOMATIC W/PARKING PAWL OR APPROVED PARKING BRAKE SYSTEM |
| <u>DRIVE SHAFT</u> | GREASE FITTINGS ON ALL SHAFTS, GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 30 GALLON |
| <u>AIR CLEANER</u> | PER ENGINE MANUFACTURER SPECIFICATIONS WITH RESTRICTION INDICATOR |
| <u>OIL FILTER</u> | REPLACEABLE, 1 QUART CAPACITY |
| <u>BATTERY</u> | 600 CCA |
| <u>ALTERNATOR</u> | 130 AMP |
| <u>HORN</u> | DUAL ELECTRIC |

LIGHTS

PER FMVSS AND DAYTIME RUNNING LIGHTS

GAUGES

SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. AND VOLTMETER

COLOR

**FRAME, WHEELS, BUMPER, RAILS, AND LETTERINGS – BLACK;
BALANCE YELLOW**

1. 16 Passenger Base Bus (Gasoline Engine – must have automatic fire extinguisher system – V8 – Min) Bus offered must have successfully completed a pilot program and approved by the Virginia Department of Education.
2. 16 Passenger Base Bus (Diesel Engine) Bus offered must have successfully completed a pilot program and approved by the Virginia Department of Education.
3. 24 Passenger Base Bus (Gasoline Engine – must have automatic fire extinguisher system – V8 – Min) Bus offered must have successfully completed a pilot program and approved by the Virginia Department of Education.
4. 24 Passenger Base Bus (Diesel Engine) Bus offered must have successfully completed a pilot program and approved by the Virginia Department of Education.

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “C” 35 PASSENGER CONVENTIONAL

| | |
|----------------------------|--|
| <u>GVWR</u> | 21,000 |
| <u>WHEELS</u> | 8-STUD DISC – 22.5” X 6.75” |
| <u>TIRES</u> | 9R22.5 – 12 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 6,000 LB. |
| <u>REAR AXLE</u> | 15,000 LB. |
| <u>BRAKES</u> | HYDRAULIC DISC W/ABS (WITH ALLISON 2200 PTS ONLY) – OR - FULL AIR – 13.2 CFM COMPRESSOR – AIR DRYER (5 SPEED DIRECT OR ALLISON 2100 PTS ONLY) |
| <u>SUSPENSION</u> | FRT. SPRINGS 3,000 LB. EA. @ GRD. REAR SPRINGS 7,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 175 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | 5 SPEED DIRECT, ALLISON 2200 PTS, OR ALLISON 2100 PTS, SEE BRAKES FOR AUTHORIZED CONFIGURATIONS. |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QUART – PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 42 PASSENGER ENGINE FRONT

| | |
|----------------------------|--|
| <u>GVWR</u> | 27,800 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,800 LB. |
| <u>REAR AXLE</u> | 17,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,400 LB. EA. @ GRD. REAR SPRINGS 8,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “C” 53 PASSENGER CONVENTIONAL

| | |
|----------------------------|---|
| <u>GVWR</u> | 25,000 |
| <u>WHEELS</u> | 8-STUD DISC – 22.5” X 6.75” |
| <u>TIRES</u> | 9R22.5 – 12 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 8,000 LB. |
| <u>REAR AXLE</u> | 17,000 LB. |
| <u>BRAKES</u> | HYDRAULIC DISC W/ABS (WITH ALLISON 2400 ONLY) – OR - FULL AIR – 13.2 CFM COMPRESSOR – AIR DRYER (5 SPEED DIRECT OR ALLISON 2000 ONLY) |
| <u>SUSPENSION</u> | FRT. SPRINGS 4,000 LB. EA. @ GRD. REAR SPRINGS 8,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 175 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | 5 SPEED DIRECT, ALLISON 2200 PTS, OR ALLISON 2100 PTS, SEE BRAKES FOR AUTHORIZED CONFIGURATIONS. |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 53 PASSENGER ENGINE FRONT

| | |
|----------------------------|--|
| <u>GVWR</u> | 27,800 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,800 LB. |
| <u>REAR AXLE</u> | 17,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,400 LB. EA. @ GRD. REAR SPRINGS 8,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “C” 65 PASSENGER CONVENTIONAL

| | |
|----------------------------|--|
| <u>GVWR</u> | 27,500 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 10R22.5 – 12 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,000 LB. |
| <u>REAR AXLE</u> | 17,500LB. |
| <u>BRAKES</u> | FULL AIR – 13.2 CF COMPRESSOR –AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS5,000 LB. EA. @ GRD. REAR SPRINGS 8,750LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 175 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | 5 SPEED DIRECT OR ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

**TYPE “C” 65 PASSENGER CONVENTIONAL
HYDRAULIC BRAKE**

| | |
|----------------------------|--|
| <u>GVWR</u> | 26,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 10R22.5 – 12 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,000 LB. |
| <u>REAR AXLE</u> | 17,500LB. |
| <u>BRAKES</u> | HYDRAULIC DISC W/ABS |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,000 LB. EA. @ GRD. REAR SPRINGS 8,750LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 175 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2200 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE "D" 65 PASSENGER ENGINE FRONT

| | |
|----------------------------|--|
| <u>GVWR</u> | 29,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5" X 7.5" |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16" STEEL |
| <u>FRONT AXLE</u> | 12,000 LB. |
| <u>REAR AXLE</u> | 17,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5" X 5" FRT– 16.5" X 7" REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,000 LB. EA. @ GRD. REAR SPRINGS 8,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 66 PASSENGER ENGINE REAR

| | |
|----------------------------|--|
| <u>GVWR</u> | 29,800 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,800 LB. |
| <u>REAR AXLE</u> | 19,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,400 LB. EA. @ GRD. REAR SPRINGS 9,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 71 PASSENGER ENGINE FRONT

| | |
|----------------------------|--|
| <u>GVWR</u> | 29,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 12,000 LB. |
| <u>REAR AXLE</u> | 17,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,000 LB. EA. @ GRD. REAR SPRINGS 8,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “C” 71 PASSENGER CONVENTIONAL

| | |
|----------------------------|--|
| <u>GVWR</u> | 29,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 10R22.5 – 12 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,000 LB. |
| <u>REAR AXLE</u> | 19,000LB. |
| <u>BRAKES</u> | FULL AIR – 13.2 CF COMPRESSOR –AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,000 LB. EA. @ GRD. REAR SPRINGS 9,500LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 72PASSENGER ENGINE REAR

| | |
|---------------------------------------|--|
| <u>GVWR</u> | 29,800 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,800 LB. |
| <u>REAR AXLE</u> | 19,000 LB. |
| <u>BRAKES</u> <u>DRYER</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,400 LB. EA. @ GRD. REAR SPRINGS 9,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 190 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
REQUIREMENTS OF VIRGINIA STATE BOARD OF EDUCATION**

TYPE “D” 77 PASSENGER ENGINE FRONT

| | |
|----------------------------|--|
| <u>GVWR</u> | 32,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 8.25” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 13,000 LB. |
| <u>REAR AXLE</u> | 19,000LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,500 LB. EA. @ GRD. REAR SPRINGS 9,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 210 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
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TYPE “C” 77 PASSENGER CONVENTIONAL

| | |
|----------------------------|--|
| <u>GVWR</u> | 31,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 8.2.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 10,000 LB. |
| <u>REAR AXLE</u> | 21,000LB. |
| <u>BRAKES</u> | FULL AIR – 13.2 CF COMPRESSOR –AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 5,000 LB. EA. @ GRD. REAR SPRINGS 10,500LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 210 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 2500 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK - -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
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TYPE “D” 78 PASSENGER ENGINE REAR

| | |
|---|--|
| <u>GVWR</u> | 33,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 7.5” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 12,000 LB. |
| <u>REAR AXLE</u> | 21,000 LB. |
| <u>BRAKES</u> <u>DRYER</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,000 LB. EA. @ GRD. REAR SPRINGS 10,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 210 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 3000 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
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TYPE "D" 83 PASSENGER ENGINE FRONT

| | |
|--------------------------------|--|
| <u>GVWR</u> | 32,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5" X 8.25" |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16" STEEL |
| <u>FRONT AXLE</u> | 13,000 LB. |
| <u>REAR AXLE</u> | 19,000LB. |
| <u>BRAKES DRYER</u> | FULL AIR– 13.2 CF COMP– 16.5" X 5" FRT– 16.5" X 7" REAR–AIR |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,500 LB. EA. @ GRD. REAR SPRINGS 9,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 210 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 3000 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

**MINIMUM SPECIFICATIONS FOR 2006 SCHOOL BUS CHASSIS TO MEET
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TYPE “D” 84 PASSENGER ENGINE REAR

| | |
|----------------------------|--|
| <u>GVWR</u> | 33,000 |
| <u>WHEELS</u> | 10-STUD DISC – 22.5” X 8.25” |
| <u>TIRES</u> | 11R22.5 – 14 PLY |
| <u>FRAME</u> | ONE PIECE SIDE MEMBER – FRONT TOW HOOKS |
| <u>STEERING</u> | POWER – MEETING VIRGINIA SPECIFICATIONS |
| <u>FRONT BUMPER</u> | 3/16” STEEL |
| <u>FRONT AXLE</u> | 12,000 LB. |
| <u>REAR AXLE</u> | 21,000 LB. |
| <u>BRAKES</u> | FULL AIR– 13.2 CF COMP– 16.5” X 5” FRT– 16.5” X 7” REAR–AIR DRYER |
| <u>SUSPENSION</u> | FRT. SPRINGS 6,000 LB. EA. @ GRD. REAR SPRINGS 10,500 LB. EA. @ GRD. FRT. AND REAR SHOCK ABSORBERS |
| <u>ENGINE</u> | 210 H.P. ELECTRONIC HAND THROTTLE ECM SET TO MAXIMUM OF 55 MPH |
| <u>TRANSMISSION</u> | ALLISON 3000 PTS |
| <u>DRIVE SHAFT</u> | GUARDS ON ALL SHAFTS |
| <u>FUEL TANK</u> | 60 GALLON |
| <u>AIR CLEANER</u> | DRY ELEMENT TYPE WITH RESTRICTION GAUGE |
| <u>OIL FILTER</u> | 1-QT. PER MANUFACTURER |
| <u>BATTERY</u> | 750CCA |
| <u>ALTERNATOR</u> | 130AMP 4 GA. CHARGING AND GROUND CIRCUITS |
| <u>HORN</u> | PER FMVSS |
| <u>LIGHTS</u> | PER FMVSS AND DAYTIME RUNNING LIGHTS |
| <u>GAUGES</u> | SPEEDOMETER, TACHOMETER, FUEL, OIL PRESSURE, COOLANT TEMP. & VOLTMETER |
| <u>COLOR</u> | FRAME, WHEELS, BUMPER, RAILS AND LETTERING – BLACK - - BACK OF MIRRORS, NON GLOSS BLACK -BALANCE YELLOW |

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| <p>2. Alternator. A. All Type A and B buses up to 15,000 pounds gross vehicle weight rating - (GVWR) shall have a minimum 90 ampere alternator.</p> | <p>A. All Type A and B buses up to 15,000 pounds gross vehicle weight rating (GVWR) shall have a minimum 130 ampere alternator.</p> <p>Recommend that ampere be increased to 130 amps. The 130 amps alternator is standard on the Type A product and is capable of operating the current amp draw of the vehicle. A 90 amps alternator, if installed, may be insufficient to perform as needed.</p> <p>We feel that the minimum should be increased by 25% in all applications. History has proven undersized alternators have continual maintenance and reliability problems. The best insurance is to oversize the alternator to some degree.</p> <p>Delete all of Item A.</p> | <p>Recommend to delete “A.”</p> |
| <p>2. Alternator B. Type B buses over 15,000 pounds GVWR and all Type C and D buses shall be equipped with a heavy duty truck or bus type alternator meeting Society of Automotive Engineers (SAE) J-180; having a minimum output rating of 100 amperes, alternator shall be capable of producing a minimum of 50% of its maximum rated output at the engine manufacturer’s recommended idle speed.</p> | <p>B. Type B buses over 15,000 pounds GVWR and all Type C and D buses shall be equipped with a heavy duty truck or bus type alternator meeting Society of Automotive Engineers (SAE) J-180; having a minimum output rating of 160 amperes, alternator shall be capable of producing a minimum of 50% of its maximum rated output at the engine manufacturer’s recommended idle speed.</p> | <p>Recommend to change language as follows:</p> <p>“A. All buses shall be equipped with a heavy duty truck or bus type alternator, having a minimum output rating of 130 amperes. The alternator shall be capable of producing a minimum of 50% of its maximum rated output at the engine manufacturer’s recommended idle speed.”</p> |

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| | <p>Delete Item “A”. Change “B” to read: All buses shall be equipped with a heavy duty truck or bus type alternator, having a minimum output rating of 125 amperes. The alternator shall be capable of producing a minimum of 50% of its maximum rated output at the engine manufacturer’s recommended idle speed.</p> <p>You have a requirement for an SAE J-180 alternator mounting system. We no longer offer this system on the MB, Cat or Cummins engines. We have gone to a “pad mount” system, which attaches the alternator directly to the side of the engine block. This will improve the performance of the alternator and the belt life. Engine manufacturers are making this change across the board where feasible.</p> <p>You also list the minimum alternator rating for the Type C and D buses as 100 amps. We recommend that this be increased to at least 160 amps. 100 amps will not be sufficient to cover the load requirements on these buses.</p> | |
| <p>5. Brakes D.2. A desiccant type air dryer with automatic purge and drain cycle and a heating element shall be installed on all air brake</p> | <p>Change this to a spin-on type filter. These are just as effective, yet reduce the change time to 10 minutes versus over 1 hour. At least make</p> | <p>Recommend keeping language as proposed.</p> |

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| buses. | the spin-on type an approved option. | |
| <p>6. Bumper, front</p> <p>B. Front bumper shall extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing, lifting or towing without permanent distortion to bumper, chassis, or body.</p> | <p>B. Front bumper shall extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and provide contact points for lifting/tow or as instructed in operators manual if other lift/tow points are recommended. The bumper will be of sufficient strength to permit pushing, lifting or towing without permanent distortion to bumper, chassis, or body.</p> <p>You state here, "...be of sufficient strength to permit pushing, lifting or towing without permanent distortion to bumper, chassis, or body." We request that this wording be modified to better reflect the buses of today. Pushing is limited because of crossing arms mounted on the bumper and cross view mirrors protruding beyond the bumper. Lifting and towing are becoming unique to each vehicle manufacturer. We suggest the following wording. "...be of sufficient strength and shall provide contact points for lifting and towing as instructed by manufacturers specifications without permanent distortion to bumper, chassis, or body."</p> | <p>Recommend leaving language as proposed.</p> |
| <p>8. Color</p> | | |

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| <p>C. Grill shall be national school bus yellow, if painted; otherwise it shall be chrome or anodized aluminum.</p> | <p>C. Grill shall be manufacturer standard, subject to annual DOE assessment.</p> <p>Grill color here is specified as yellow, if painted or chrome or anodized aluminum. Our request is that we remove this requirement and go with the manufacturer's standard color on all bus types. Using the manufacturer's standard may help reduce some added expense for additional painting.</p> | <p>Recommend deleting this statement as it is covered in Item 37.B.</p> |
| <p>10. Electrical System</p> <p>E. (second paragraph) This conductor shall be routed to cover the least distance practicable between points of termination. It should be of continuous size protected by fusible links, fuses, circuit breakers, or a reset-able electronic circuit protection device, no more than 12 inches from the battery. The terminal shall be of the single post-type, minimum of one-fourth inch (1/4") stud and located in an accessible location for service, subject to approval of the Department of Education.</p> | <p>Here it is stated that it should be "protected by fusible link, fuses, circuit breakers, or a reset-able electronic circuit protection device, no more than 12' from the battery." On Type D products, we will provide uninterrupted service from the battery to the starter. The required circuit protection is located on a flat heat sink surface in close proximity to the starter. It is not within 12' of the battery but will give protection. Would this be acceptable? We respectfully request the removing of the phrase "no more than 12 inches from the battery" to allow for this design.</p> <p>We should add a provision to add a grounding terminal free of paint and designed to accept 'star' type washers. This will provide a designated point for grounding electrical devices without drilling ground points</p> | <p>Recommend the following language: "E. (Second paragraph). This conductor shall be routed to cover the least distance practicable between points of termination. It should be of continuous size protected by fusible links, fuses, circuit breakers, or a reset-able electronic circuit protection device, no more than 24 inches from the battery. The terminal shall be of the single post-type, minimum of one-fourth inch (1/4") stud and located in an accessible location for service, subject to approval of the Department of Education."</p> |

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| | elsewhere. | |
| <p>11. Engine</p> <p>B. All gas-powered buses shall have an automatic fire extinguisher system in the engine compartment.</p> | <p>The current Jomar system used to meet this spec is ineffective, a maintenance nightmare, and very expensive. The safety aspects designed into the few gas powered buses used today is adequate. When the Jomar system activates and empties any fire continues if the source of ignition still exists. Most such fires are caused by electrical problems so the ignition source is still active once the Jomar system empties.</p> <p>Add C. An electronic engine speed limiter shall be provided and set to limit engine speed, not to exceed the maximum revolutions per minute, as recommended by the engine manufacturer.</p> | <p>Recommend leaving language as proposed.</p> <p>Add the following language:</p> <p>C. An electronic engine speed limiter shall be provided and set to limit engine speed, not to exceed the maximum revolutions per minute, as recommended by the engine manufacturer.</p> |
| <p>12. Exhaust System</p> <p>B. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent, and shall extend at least five inches beyond chassis frame. (See Item 68.)</p> | <p>B. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge or equivalent.</p> <p>The last phrase here requires at least 5” beyond the end of the chassis frame rail. We respectfully request that this statement be removed from the exhaust requirements. The</p> | <p>Recommend language be changed as follows:</p> <p>“A. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent, and shall extend to but more than 2 inches beyond outer edge of rear bumper.”</p> |

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| | critical item will be the body requirement (#68) where it should be flush or two inches beyond outer edge of the rear bumper. The end of the frame rail may vary and could contradict the requirement on the body side. | |
| <p>15. Fuel Tank</p> <p>A. Fuel tank having a minimum 30-gallon capacity shall be provided. The tank shall be filled and vented to the outside of the body and the fuel filler should be placed on the right side in a location where accidental fuel spillage will not drop or drain on any part of the exhaust system.</p> | <p>Add “Exception: Special needs buses will allow for left side fuel filler.”</p> <p>The requirement here is that all fuel fill openings be on the right side of the bus. We request that you grant an exception here for special needs buses that have a lift installed in the same vicinity as the fuel fill. On the Thomas product, all rear lifts will move the fuel fill to the left side. This will prevent interference in installation and operation of the bus. It will also remove the concern of a fuel tank access away from the door area. We choose to not have any fuel fill openings near any doors as a designed benefit.</p> | <p>Recommend the following language be added to “E.”</p> <p>“Special needs buses will allow for left side fuel filler.”</p> |
| <p>16. Heating System, Provision for</p> <p>A. The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching ¾ inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170° F</p> | <p>How will we test to determine if this meets specs?</p> <p>Add “Exception: Type A shall be manufacturers standard.”</p> | <p>Recommend adding the following language:</p> <p>“B. Exception: Type A buses shall be manufacturer’s standard.”</p> |

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at a flow rate of 50 pounds per minute at the return end of 30 feet on one-inch inside diameter automotive hot water heater hose. (SBMI Standards No. 001- Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment.)

The Type A manufacturers are going to a 5/8" connector in this installation instead of the required 3/4". We would request that the committee consider making an exception here for the Type A bus. With the new 2007 EPA engine requirements there may be difficulty in finding an engine manufacturer meeting the 170 deg. water and flow rate requirements.

17. Horn

A. The bus shall be equipped with a horn(s) of standard make with the horn(s) capable of producing a complex sound in bands of audio frequencies between 250 and 2,000 cycles per second, and tested in accordance with SAE J377, *Horn – Forward Warning – Electric – Performance, Test, and Application*.

Are dual horns required?

Answer to question is “No, dual horns are not required.”

37. Color

B. Grill shall be national school bus yellow, if painted; otherwise it shall be chrome or anodized aluminum.

Grill color here is specified as yellow, if painted, or chrome or anodized aluminum. Our request is that we remove this requirement and go with the manufacturer's standard color on all bus types. Using the manufacturer's standard may help reduce some added expense for additional painting.

Recommend changing language to read:

“B. Grill shall be national school bus yellow, silver, or gray, if painted; otherwise it shall be chrome or anodized aluminum.”

D. The roof of the bus may be painted white extending down to the drip rails on the

D. The roof of the bus may be painted white extending down to the drip rails on the sides

Recommend leaving the language as proposed.

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| <p>38. Communication system – optional Equipment</p> <p>A. 4. Antenna shall be permanently mounted to cowl or roof so as not to interfere with driver’s vision of roadway. Antenna lead-in cable shall be permanently secured with the proper clamps, grommets, and sealant. Antenna cable may not pass through window opening.</p> | <p>A.4. Antenna shall be permanently mounted as not to interfere with driver’s vision of roadway. Antenna lead-in cable shall be permanently secured with the proper clamps, grommets and sealant. Antenna cable may not pass through window opening.</p> <p>Placement of antennas for 2-way devices must also meet FCC safety standards which require some flexibility in placement location.</p> | <p>Recommend to change language as follows:</p> <p>“A.4. Antenna shall be permanently mounted as not to interfere with driver’s vision of roadway. Antenna lead-in cable shall be permanently secured with the proper clamps, grommets and sealant. Antenna cable may not pass through window opening.”</p> |
| <p>38. Communication system – optional Equipment</p> <p>B. Public address system. For use by driver, the system contains an inside speaker and an external speaker that is of special use when driver needs to caution pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed type.</p> | <p>B. Public address system. For use by driver, the system contains an inside speaker and/or an external speaker that is of special use when driver needs to caution pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed type.</p> | <p>Recommend to change language as follows:</p> <p>“B. Public address system. For use by driver, the system contains an inside speaker and/or an external speaker that is of special use when driver needs to caution pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed type.”</p> |
| <p>39. Construction, Type B, C, and D Vehicles</p> <p>F. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal or other material at least equal in strength to 14-gauge steel. Floor shall be level from front to back and from side to side except in wheel housing, toe board, and</p> | <p>The plywood floor shall be ½” and exterior B-B grade. The B-B grade designates a finished surface on both sides (Sanded). We currently use as standard a C-D grade. This grade is sufficient enough to be laid on the floor and covered with floor covering. It will not be</p> | <p>Recommend leaving the language as proposed.</p> |

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| <p>driver's seat platform areas. When plywood is used, it shall be of ½-inch exterior B.B. grade or equivalent and securely fastened to the existing steel floor.</p> | <p>exposed to the occupants riding on the bus. To upgrade to a B-B grade will increase cost to the bus with no additional benefit to the operator. We request that you consider changing this requirement to C-D grade plywood.</p> | |
| <p>42. Doors</p> <p>A.5. All door glass shall be approved safety glass. Bottom of lower glass panel shall not be more than 10 inches from the bottom of the door. Top of upper glass panel shall not be more than three inches from top of door.</p> <p>B.4. The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area of which shall be at least 400 square inches. The lower portion of the rear emergency door on Types A, B, C and D vehicles shall be equipped with a minimum of 240 square inches of approved safety glazing.</p> | <p>The specifications state the "top of upper glass panel shall not be more than three inches from top of door." We respectfully request that you add the word "opening" to the end of the sentence. On our new door design, we are not within 3" of the top of the door but we are within 3" of the top of the door opening. The new door will extend above the bottom of the door header.</p> <p>Keep the metal guard protecting the glass!</p> | <p>Recommend language as follows:</p> <p>"A.5. All door glass shall be approved safety glass. Bottom of lower glass panel shall not be more than 10 inches from the bottom of the door. Top of upper glass panel shall not be more than three inches from top of door opening."</p> <p>Recommend the following language:</p> <p>"B.4. The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area of which shall be at least 400 square inches. The lower portion of the rear emergency door on Types A, B, C and D vehicles shall be equipped with a minimum of 240 square inches of approved safety glazing. This glass shall be protected by a metal guard on the inside. This guard shall be free of any sharp edges that may cause injury to passengers."</p> |

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| <p>B.7. Words “EMERGENCY DOOR,” both inside and outside in black letters two inches high, painted or vinyl, shall be installed directly above emergency door. Words may be placed on the top of door outside if space is available.</p> | <p>B.7. Words “EMERGENCY DOOR,” both inside and outside in black letters two inches high, painted or vinyl, shall be in compliance with FMVSS 217.</p> <p>We respectfully request that the requirements in this section meet the requirements of FMVSS 217. Additional statements are not necessary.</p> | <p>Recommend the following language:</p> <p>“B.7. Words “EMERGENCY DOOR,” both inside and outside in black letters two inches high, painted or vinyl, shall be in compliance with FMVSS 217.”</p> |
| <p>C. Rear emergency door, Type A vehicles:</p> | <p>Change this to read “Exception: Type A vehicles”. Delete items 2, 3, 4, 6, and re-number #5 to #2. This change will be consistent with other exception specifications for Type A vehicles.</p> <p>We respectfully request that Section C, referring to Type A emergency doors, be removed from the specifications. Except for a couple of wording changes, this section is a duplication of Section B, Rear emergency doors for Type B, C, and D vehicles. We propose that Section B Rear emergency doors be used as the specifications for all buses.</p> | <p>Recommend deleting items 2, 3, 4, 6. Language would read:</p> <p>“C. Rear emergency door, Type A vehicles:</p> <ol style="list-style-type: none"> 1. Emergency door shall be located in center of rear end of bus and shall be equipped with fastening device for opening from inside and outside body, which may be quickly released but is designed to offer protection against accidental release. Control from driver’s seat shall not be permitted. Provision for opening from outside shall consist of device designed to |

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prevent hitching-to but to permit opening when necessary.

2. No seat or other object shall be placed in bus which restricts passageway to emergency door to less than 12 inches.”

43. Emergency Equipment

A. Fire Extinguisher

Delete Item 2. Change to Item # 3 and re-number it to #2, and change the first sentence to “The fire extinguisher shall bear an Underwriters’ Laboratories, Inc., showing a rating of 2-A: 10-BC or greater.” This change will combine the information listed in #2 and #3.

Recommend deleting Item 2.
 Renumber and Item 2 becomes:
 “2. The fire extinguisher shall bear an
 Underwriters’ Laboratories, Inc., showing a
 rating of 2-A; 10-BC or greater.”

B. First Aid - The first aid kit shall contain the following items:

Adding the last 2 items – This is a good idea but I'm not sure these extra items will fit in the box.

| | |
|---------------------------------------|---|
| Bandage compress (sterile gauze pads) | |
| 4 – inch | 3 |

Add: Pair medical “non-latex” examination gloves.

Recommends changing language to:

| | |
|---------------------------------------|---|
| Bandage compress (sterile gauze pads) | |
| 2-inch | 2 |

Pair medical non-latex examination gloves

| | |
|---|---|
| Adhesive absorbent bandage (nonadhering pad) 1 x 3 inch | 2 |
|---|---|

Add the words “(non-latex)”. This change will make sure that latex gloves are not allowed, due to the allergies to latex.

| | |
|-----------------------------|---|
| Triangular bandage, 40-inch | 2 |
|-----------------------------|---|

| | |
|-----------------------|---|
| Gauze bandage, 4 inch | 2 |
|-----------------------|---|

| | |
|--------------------------|---|
| Absorbent-gauze compress | 1 |
|--------------------------|---|

Antiseptic applicator (swab type)

10 per unit 2

School Bus Specifications
Comment Period: June 12 – July 12, 2006

| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|---|---|--|
| (Zephiran Chloride/Green Soap type) Bee sting applicator (swab type) 10 per Unit 1 Pair medical examination gloves 1 Mouth-to-mouth airway 1 | | |
| 49. Identification of school buses A.3. All school buses shall have a black painted or vinyl number four inches high on the rear of the body, on the right side just back of the entrance door, and on the left side just back of the warning sign. The number shall also be placed on the front of the bus in a location approved by the Department of Education. Symbols or letters are not to exceed 64 square inches of total display near the entrance door, displaying information for identification by the students of the bus or route served. | Change from 64 inches to 121 square inches. This change will allow the current route number signs currently authorized by the Department. These permanent signs are approximately 10 x 11.5 inches. | Recommend the following language: “A.3. All school buses shall have a black painted or vinyl number four inches high on the rear of the body, on the right side just back of the entrance door, and on the left side just back of the warning sign. The number shall also be placed on the front of the bus in a location approved by the Department of Education. Symbols or letters are not to exceed 121 square inches of total display near the entrance door, displaying information for identification by the students of the bus or route served.” |
| 51. Insulation. A. Ceilings and walls shall be coated with proper materials to deaden sounds and reduce vibrations to a minimum. Fiberglass thermal insulation (minimum R-value of 5.5) shall be used to insulate walls and roof between inner and outer panels. | A. Ceilings and walls shall be coated with proper materials to deaden sounds and reduce vibrations to a minimum. Thermal insulation (minimum R-value of 5.5) shall be used to insulate walls and roof between inner and outer panels. This section requires “fiberglass” thermal | Recommend the following language: “A. Ceilings and walls shall be coated with proper materials to deaden sounds and reduce vibrations to a minimum. Thermal insulation (minimum R-value of 5.5) shall be used to insulate walls and roof between inner and outer panels and shall be in compliance with FMVSS 302.” |

School Bus Specifications
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| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|---|--|--|
| | insulation. Thomas, as well as other manufacturers, are not using a “polyester” type insulation material. Polyester has better qualities and is more environmentally friendly than fiberglass. We recommend changing the requirement from fiberglass to polyester. | |
| <p>53. Lights and Signals</p> <p>A.6. Turn signal units. Bus shall be equipped Class A, flashing turn signal units of heavy-duty type. These signals shall be independent units equipped with amber lenses on all faces. The turn signal/directional signal units shall activate only when ignition is in “on” position. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be seven inches in diameter, or if a shape other than round, the lights must be 38 square inches in area and mounted not less than six nor more than 18 inches from plane of the side of the body and not less than six nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in 3 above. Turn signal lens shall contain directional arrows</p> | <p>Recommend installation for fog lights for use during inclement weather.</p> <p>A.6. Turn signal units. Bus shall be equipped with Class A, flashing turn signal units of heavy-duty type. These signals shall be independent units equipped with amber lenses on all faces. The turn signal/directional signal units shall activate only when ignition is in “on” position. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be seven inches in diameter, or if a shape other than round, the lights must be 38 square inches in area and mounted not less than six nor more than 18 inches from plane of the side of the body and not less than six nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in 3 above.</p> | <p>Recommend the following language:</p> <p>“A.6. Turn signal units. Bus shall be equipped with Class A, flashing turn signal units of heavy-duty type. These signals shall be independent units equipped with amber lenses on all faces. The turn signal/directional signal units shall activate only when ignition is in “on” position. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be seven inches in diameter, or if a shape other than round, the lights must be 38 square inches in area and mounted not less than six nor more than 18 inches from plane of the side of the body and not less than six nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in 3 above.”</p> |

Recommendation from Specifications Committee

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| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|--|--|--|
| <p>A.9.f. A three-inch black painted border around the lamps is required if not equipped with a black painted housing.</p> | <p>it begins the sequential light system with the amber lights. The bottom of this same switch is the cancel for the warning light system. A driver not watching very closely, or while distracted could reach for the switch to activate the lights and actually depress the bottom of the rocker switch which would serve to cancel a system that is not yet activated. Would like the cancel switch to be a separate switch and located in a location separated from the activation switch.</p> <p>Require all buses to have a “fail-safe” system whereby the red flashing warning lights will be tied directly to opening the bus door.</p> <p>The functions of Activation vs. cancellation be separated into two switches. I have no problem with the style of switch, i.e., the rocker switch. The type switch has worked very well for us. But it is imperative that the functions be separated from the same switch.</p> <p>I am not overly happy the proposed removal of the hoods on the 8-way lights. I must agree with the Virginia State highway Patrol that the visibility is a problem.</p> | <p>Recommend the following language:</p> <p>“A.9.F. A three-inch black painted border around the lamps is required and must be equipped with a black painted housing.”</p> |

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| <p>A.9.i. There shall be an interrupt feature in the system to interrupt the traffic warning sign and the crossing control arm when their use is not desired. This feature shall consist of a double throw relay and a push button momentary switch.</p> <p>A.9.j. Manual switch, cancel switch and interrupt switch shall be push button or flip type momentary switches.</p> <p>A.10. School bus traffic warning sign must conform to FMVSS 131.</p> | <p>A.9.i. There shall be an interrupt feature in the system to interrupt the traffic warning sign and the crossing control arm when their use is not desired. This feature shall consist of a double throw relay and a momentary switch.</p> <p>A.9.j. Manual switch, cancel switch and interrupt switch shall be momentary switches.</p> <p>In this section, the specification reads “manual switch, cancel switch and interrupt switch shall be push button or flip-type momentary switches.” There are several other references to switch types through Section 9, School bus traffic warning lights. The important thing to the driver should be that each switch be present and easily identified and accessible. What is the importance of the switch type? Most switches that are used in school bus body applications are rocker type or paddle switches. We respectfully request that letter J be removed and that the designation be switch only without specifying type.</p> <p>A.10.b. Sign shall be of the octagon series, 18</p> | <p>Recommend the following language:</p> <p>“A.9.i. There shall be an interrupt feature in the system to interrupt the traffic warning sign and the crossing control arm when their use is not desired. This feature shall consist of a double throw relay and a momentary switch.”</p> <p>Recommend the following language:</p> <p>“A.9.j. Manual switch, cancel switch and interrupt switch shall be momentary switches.”</p> <p>Recommend leaving language as proposed.</p> |

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| <p>single clear lens emitting light 360 degrees around its vertical axis. A manual switch and a pilot light must be included to indicate when the light is in operation.</p> | <p>from the rear of the body. This is only an issue on 53 passenger and smaller bodies requiring 2 roof hatches. The location language of the strobe light will need some sort of modification (delete the 42” requirement or allow the light to be located forward of the rearmost roof hatch). We have very little leeway with respect to location of hatches due to FMVSS 217. In the past (very limited experience due to the (1) hatch requirement on this size body) we have located the light to the rear of the hatch, but DOE might want to define exactly where this light should be located on these smaller bodies.</p> <p>Add the word “or” between the words “edge” and “located”. The sentence will read “A white flashing strobe light shall be installed on the center rear one-third portion of the roof a minimum of 42 inches from the rear of the roof edge or located aft of the rearmost roof hatch.” This change makes sure that when a bus is equipped with two roof emergency hatches, the strobe light will be mounted behind the furthest hatch.</p> | <p>emitting light 360 degrees around its vertical axis. A manual switch and a pilot light must be included to indicate when the light is in operation.</p> |
| <p>62. Seats D. Seating plans for buses with wheelchair positions see Item 76 and Item 81. All school bus seating shall be of a three</p> | <p>It would be nice to have the option of 45/30 seating used in other states. This actually increases the available capacity of the bus use</p> | <p>Recommend keeping language as proposed.</p> |

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|---|---|---|
| <p>(3) to three (3) arrangement with the exception of the last row seat to the left of any rear emergency door. This seat shall be of a maximum width of 26" limiting it to two (2) passengers. There shall be provided a full width barrier in front of each seating position. Type D, Rear engine buses shall be exempt from the last row requirements.</p> | <p>in certain applications.</p> | |
| <p>66. Storage and luggage compartments</p> <p>A. Vehicles may be equipped with luggage compartments or tool compartments in the body skirt provided they do not reduce ground clearance to less than 14 ½ inches from bottom of compartment and that the addition of the compartments does not exceed the vehicles' GVWR.</p> | <p>Recommend an overhead storage to the left of the driver. Items required by students that must be stored inside the bus such as tissues, wipes and the driver's personal items!</p> <p>A. Vehicles may be equipped with luggage compartments or tool compartments in the body skirt provided they maintain panel ground clearance that is equal to or higher than the vehicles rear axle center line and that the addition of the compartments does not exceed the vehicles' GVWR.</p> <p>In the specifications, you have a minimum ground clearance of 11" to the bottom of any storage compartment. In most cases this is an attainable number. There are many variables that will figure in when one is trying to calculate ground clearance. Suspensions, tire sizes, axle sizes, and skirt lengths. Even the location of the box occasionally comes into</p> | <p>Storage and luggage compartments are an option. They must be enclosed and should not block drivers or students ingress or egress.</p> <p>Recommend leaving language as proposed.</p> |

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| | play. We respectfully request that approval be granted for a minimum ground clearance of 11” when circumstances may require extra storage underneath. | |
| 73. Wheel housing B. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent any dust or water from entering the body. Wheel housings shall be constructed of 16-guage (or thicker) steel. | We respectfully request that the Type A product be given an exemption for the wheel house assembly material. On the Thomas product, no part of the passenger seat or passenger load is attached to the wheel house, therefore no additional strength is needed here. Because of weight restrictions on the Type A bus, the wheelhouse may need to be made from aluminum. | Recommend leaving language as proposed. |
| 75. Windshield washers. A. Windshield washers meeting federal requirements shall be provided and shall be controlled by a switch located on instrument panel. Reservoir shall be mounted outside passenger compartment. | A. Windshield washers meeting federal requirements shall be provided and shall be controlled by a switch accessible to the driver. Reservoir shall be mounted outside passenger compartment. This section requires that the windshield washer “...be controlled by a switch located on the instrument panel.” The location of this switch should not matter as long as it is in close proximity to the wiper switch. We have several models that are coming with the switch located on the turn signal stalk, with the wiper switch. It is an integral part of the steering column assembly, the same as in your | Recommend leaving language as proposed. |

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| Original Proposed | Comment Received | Recommendation from Specifications Committee |
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| | passenger car. We request that this installation be acceptable. | |
| <p>92. Special Service Entrance Door. A. A single door may be used if the width of the door opening does not exceed 43 inches.</p> | <p>A. A single door or double doors may be used for the special service entrances.</p> <p>Your specification requires that “A single door may be used if the width of the door opening does not exceed 43 inches.” A double or two doors will be required for openings wider than this. We currently have a single door on the C2 that has a clear opening width of 44 ½”. As we see lifts grow and increase in capacity, we have seen the need to increase the width of the door opening. With an ever larger door opening, there may eventually be a need for two doors. We do not believe that we are there yet. A concern over a large single door would be the weight of the door itself, the hinges capability to handle this weight, and the operator’s ability to handle the door. The 46” wide door that we are using is easy to operate and is not a heavy door. The requirement for two doors, as opposed to one will mean more sealing area. There will be more of a concern for water and air to pass around the doors. There will be more opportunity for wind noise. You may have door alignment problems between the door</p> | <p>A. A single door of a minimum 43 inches may be used.</p> |

School Bus Specifications
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| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|---|--|---|
| <p>B. Two doors shall be used if any door opening would have to exceed 43 inches.</p> | <p>openings and each door leaf. Increased difficulty in securing the doors in a close position. A single door will be a more stable door. It is our recommendation that you remove the dimensions and state that a single door should be used. If two doors are used, then they should meet the additional criteria listed in this section.</p> <p>Delete this item.</p> | <p>Delete this item.</p> |

School Bus Specifications
Comment Period: June 12 – July 12, 2006

Original Proposed
Additional Proposed Changes

Comment Received

Recommendation from
Specifications Committee

| | | |
|---|---|---|
| Type A 16 and 24 passenger | <p>Current: Roof is white Is it intended for all Type A 16 and 24 passenger buses to be equipped with white roofs as a required spec?</p> <p>It would be nice to have Type A buses on the approved list not still listed as pilots. These, although not quite as safe as a regular school bus are an improvement over transporting students in cars. We all have more and more students being transported to private educational providers. The type-A's are invaluable.</p> | Type A buses are being added to the specifications. |
| All annual chassis specs GVWR ##### lb. Front Axle ##### lb. Rear Axle ##### lb. | <p>Suggest that actual GVWR and axle pound ratings not be specified by bus type on the annual minimum spec sheets, as GVWR, front axle and rear axle minimum weight ratings are covered under 3A and 22B and C of the chassis specifications.</p> <p>Axle rating should be left up to the manufacturers as they are bound by Federal regulations.</p> | Recommend no changes from proposed. |
| Suspension Frt. Springs ##### lb. Rear springs ##### lb. | Suggest that actual spring pound ratings not be specified by bus type on the annual minimum | Recommend no changes from proposed. |

School Bus Specifications
Comment Period: June 12 – July 12, 2006

| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|---|---|--|
| | spec sheets, as front axle and rear axle minimum weight ratings are covered under 22 B & C and 25 F of the chassis specifications. | |
| Color: Frame, wheels, bumper, rails and lettering – black – back of mirrors, non gloss black – balance yellow | Color: Frame, wheels, bumper rails, trim and letters – black – back of mirrors, non gloss black – balance yellow | Recommend no changes to proposed language. |
| International BE-200 | Approve the International BE-200. This is an improvement over the Type A and can eventually replace the A bus. This bus is safer than the standard Type-A. | Recommend leaving as a pilot. |
| Fuel Tanks | <p>Type C 35 passenger CD 35 gallon fuel tank 60 gallon N/A Type D 42 passenger CE 35 gallon fuel tank 60 gallon N/A Type D 54 passenger FE 35 gallon fuel tank 60 gallon N/A</p> <p>Change the FUEL TANK specifications to read “30”. This change makes sure that the minimum requirements are following, Page 6, #15.</p> | Recommend minimum 30 gallon fuel tank. |
| Passenger Capacity | <p>Type D 53 passenger FE should be 54 passenger FE Type D 65 passenger FE should be 66 passenger FE Type D 77 passenger FE should be 78 passenger FE Type D 83 passenger FE should be 84 passenger FE</p> | Recommend leaving as proposed. |

School Bus Specifications
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| Original Proposed | Comment Received | Recommendation from Specifications Committee |
|--------------------------|---|---|
| BE, Type C, Spec | Can this bus not be added to state specs in passenger capacity from 14 – 30 passenger? As you know, we are in the process of doing pilots on this bus. Our first bus was delivered 12/6/05. My understanding is the pilot has to be in effect for one year. We do not want to miss this next year in BE sales. There are customers wanting to buy this bus but do not want the hassle of the pilot program. | Recommend continuation of pilot program. |

The proposal from Fairfax County to install additional lights on the side of the bus over the door and driver's window.

Letters received supporting this proposal 5

E-mail from Norfolk not supporting these lights

Board of Education Agenda Item

Item: _____ J. _____

Date: _____ September 27, 2006 _____

Topic: Request to the Secretary of Education to Approve the Department of General Services to Proceed with the Design Work to Consolidate the Two Virginia Schools for the Deaf and the Blind as Authorized by the General Assembly in the 2006 Session

Presenter: Mr. H. Douglas Cox, Assistant Superintendent for Special Education and Student Services

Telephone Number: (804) 225-3252

E-Mail Address: Doug.Cox@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

_____ Board review required by

_____ State or federal law or regulation

_____ Board of Education regulation

X Other: Item C-17.50, Chapter 3, 2006 Acts of Assembly, Special Session I

X Action requested at this meeting _____ Action requested at future meeting:

Previous Review/Action:

_____ No previous board review/action

X Previous review/action

Date: July 27, 2005

Action: Adopted a proposal from Trammell Crow under the Public Private Education and Infrastructure Act of 2002 (PPEA) to consolidate the two schools for the deaf and the blind

Date: September 21, 2005

Action: Reviewed cost estimates for four (4) options presented by Trammell Crow and voted to present the findings to the Appropriations and Finance Committees and ask for further instruction from the General Assembly

Background Information:

As noted above, following work begun by a consolidation task force in 2003, the Board of Education has taken previous actions with respect to the process of consolidating the two state schools for the deaf and the blind.

On July 27, 2005, two proposals for the consolidation of the two Virginia Schools for the Deaf and the Blind were presented to the Board of Education. Proposals were submitted to the Commonwealth pursuant to requirements of the Public-Private Education Facilities and Infrastructure Act – 2002 (PPEA). The Board selected the proposal submitted by the Trammell Crow Company (TCC) for further development of three specific consolidation options. Development options considered were:

1. Renovation and/or construction of a new facility at Staunton
2. Renovation and/or construction of a new facility at Hampton
3. Construction of a new facility at alternate locations in accordance with the guidelines for the new facility in the Department of Education feasibility study

On September 21, 2005, the Department of Education, Department of General Services, and TCC presented their investigative findings and recommendations on the three consolidation options to the Board. The recommendations with associated construction costs presented were:

- | | |
|---|--------------|
| 1. Build a new facility in the Richmond Metro area | \$84,158,402 |
| 2. Build a new facility in the Charlottesville Metro area | \$88,908,402 |
| 3. Renovate selected buildings and build new needed facilities at the Staunton site | \$98,871,159 |
| 4. Renovate selected buildings and build new needed facilities at the Hampton site | \$88,000,984 |

All four recommendations exceeded the development costs of \$61.5 million authorized in the 2005 Virginia Acts of Assembly – Chapter 951: Item 136. Chapter 951, Item 136 also required the Department of Education and the Department of General Services to report their finding to the Governor and Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health. The information was reported as required, prompting consideration by the Governor and General Assembly during the 2006 General Assembly session for additional funding.

The General Assembly considered the additional funding needed to complete any of the four recommendations and authorized design work towards development of recommendation number 3 (see above). The authorization language approved by the Governor and the General Assembly in the 2006 Virginia Acts of Assembly – Chapter 3, Item C-17.50 states:

1. Notwithstanding other provisions of the Code of Virginia, the State Board of Education, assisted by the Department of General Services, shall use a Public-Private Education Act (PPEA) proposal to plan and design the consolidation of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-disabled at Hampton into a single campus and transfer the students, programs and services to a single campus at Staunton. Funding in this item is provided to plan for the necessary renovations, additions and new facility construction at the Staunton campus. The Department of General Services shall develop a plan for disposing of

buildings and property no longer necessary for special education purposes. The Department of General Services shall work with the City of Staunton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties shall be conveyed with appropriate historic easements at fair market value with the proceeds reverting to the general fund to offset the cost of construction of the new facility.

2. The Department of Education shall assist with the coordination with appropriate local entities for the transition of services to a regional day program in the Hampton Roads area by no later than June 30, 2008. The Department of General Services, in conjunction with the Board of Education may, with the Governor's approval, convey the current Hampton campus to an existing nonprofit or public entity in Hampton Roads to facilitate these services. In addition, the Department of Education shall provide appropriate technical assistance to regional special education programs and school divisions statewide. The Department of General Services shall develop a plan for disposing of buildings and property no longer necessary for special education purposes in the City of Hampton. The Department of General Services shall work with the City of Hampton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties shall be conveyed with appropriate historic easements at fair market value."

Explanation:

(This amendment provides \$2.5 million from the general fund towards architectural and engineering drawings for consolidation of the residential programs of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-disabled at Hampton into one school on the campus of the Virginia School for the Deaf and the Blind at Staunton. In addition, this amendment authorizes the conveyance of the current Hampton campus to a regional day program in Hampton Roads.)

Summary of Major Elements:

The Board of Education is authorized, with the assistance of the Department of General Services, to proceed with planning and design to consolidate the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind, and Multi-disabled at Hampton into a single campus and transfer of the students, programs services to a single campus at Staunton. The Department of General Services requires approval from the Board of Education to proceed.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education prepare and deliver a letter to the Secretary of Education communicating its approval for the Department of General Services to proceed as authorized in the 2006 Virginia Acts of Assembly and in accordance with the PPEA guidelines.

Impact on Resources:

The General Assembly has authorized \$2.5 million for this phase of the project.

Timetable for Further Review/Action:

The timetable for further action is dependent on the timelines required for inclusion of the total project funding request to be considered during the 2007 session of the General Assembly. The Department of Education and the Department of General Services must provide information to the 2007 General Assembly of the total needed funding needed to complete the project.

Board of Education Agenda Item

Item: K.

Date: September 27, 2006

Topic: First Review of Revised English Language Proficiency Standards of Learning

Presenter: Mrs. Val Gooss, English as a Second Language (ESL) Coordinator

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Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by
☐ State or federal law or regulation
☐ Board of Education regulation
☐ Other: _____

☐ Action requested at this meeting ☒ Action requested at future meeting: January 2007

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action
date _____
action _____

Background Information:

Academic content standards for English language proficiency were adopted by the Board of Education in November 2002. A review and possible revision were listed as an action item in the Board of Education's Comprehensive Plan for 2005-2010. As a result of the action item in the comprehensive plan, at its meeting on October 26, 2005, the Board of Education adopted a schedule for review and revision to the English Language Proficiency Standards of Learning.

In accordance with the adopted schedule, the Department of Education took the following steps to produce a draft of the revised English Language Proficiency Standards of Learning for the Board's first review:

- Solicited online comments from stakeholders, including teachers, parents, and administrators;
- Selected a committee that consisted of recommended individuals solicited from school divisions to participate in the process;
- Convened a committee to review and recommend revisions to the current English Language Proficiency Standards of Learning on March 13-16, 2006;
- Convened a subcommittee to make final recommendations on April 26-27, 2006;
- Developed a draft of the revised English Language Proficiency Standards of Learning.

Summary of Major Elements

Attachment A contains an overview of the proposed changes to the English Language Proficiency Standards of Learning. Attachment B contains a draft of the revised English Language Proficiency Standards of Learning that consists of the following elements:

Introduction

The English Language Proficiency Standards of Learning support the English language development of limited English proficient (LEP) students. The goal of these standards is to provide the foundation that will enable LEP students to be successful in core academic courses.

Grade-level Standards and Introductions

The English Language Proficiency Standards of Learning are grouped by the following grade levels or grade clusters with an introduction for each section:

- Kindergarten
- First Grade
- Second Grade
- Grades 3 through 5
- Grades 6 through 12

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept for first review the revised English Language Proficiency Standards of Learning.

Impact on Resources:

This responsibility can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibility related to this activity, other services may be impacted.

Timetable for Further Review/Action:

With the Board of Education's approval, public hearings will be held in October and November 2006, with final review and adoption of the English Language Proficiency Standards of Learning in early 2007.

Overview of Proposed Changes to Virginia's English Language Proficiency Standards of Learning

Introduction

The English Language Proficiency Standards of Learning support the English language development of limited English proficient (LEP) students. The goal of these standards is to provide the foundation that will enable LEP students to be successful in the English Standards of Learning and in other content areas. This foundation is essential because LEP students are learning English as another language.

The goal for the education of limited English proficient (LEP) students is to provide intensive instruction so that LEP students can develop English proficiency as quickly as possible in order to reach full educational parity with their peers.

The following features of the standards remain unchanged:

- Four levels of English proficiency are defined for the state's limited English proficient (LEP) population. These levels are level 1, level 2, level 3, and level 4, with levels 1 and 2 for grades K-1, levels 1 through 3 for grade 2, and levels 1 through 4 for grades 3 and above.
- Within each of these levels, there are standards for oral language (listening and speaking), reading, and writing.
- The standards are numbered in sequence for each proficiency level, i.e., the standards in level 1 are numbered sequentially beginning with 1.0; the standards in level 2 are numbered sequentially beginning with 2.0; the standards in level 3 are numbered sequentially beginning with 3.0; and the standards in level 4 are numbered sequentially beginning with 4.0.

Proposed changes to the 2002 English Language Proficiency Standards of Learning are based on comments from the field and recommendations from a committee of practitioners with representation throughout the state. In reviewing and revising the standards, the committee considered:

- Comments from the field;
- Other state's Standards for limited English proficient (LEP) students; and
- Virginia's 2002 English Language Arts Standards of Learning.

In addition to the proposed changes to the 2002 English Language Proficiency Standards of Learning, a crosswalk document is planned that will demonstrate alignment of the English Language Proficiency Standards of Learning with content standards for English, Mathematics, Science, and Social Studies.

The table below shows an overview of proposed changes to the English Language Proficiency Standards of Learning. The complete document, which contains the proposed revisions, is included for review as well.

| Current English Language Proficiency Standards of Learning | Proposed Revisions to the English Language Proficiency Standards of Learning | Justification for Changes |
|---|--|---|
| The current standards are grouped in the following grade clusters: Grades K-2 Grades 3-5 Grades 6-8 Grades 9-12 | The proposed revised Standards are grouped in the following grade clusters: Kindergarten Grade 1 Grade 2 Grades 3-5 (no change) Grades 6-12 | The revised standards address a request from the field that the standards be written separately for grades K, 1 and 2. The standards for grades 6-8 and grades 9-12 were combined because the differences between the two grade clusters were minimal. |
| The 2002 standards are presented in a chart format. | The proposed revisions are presented in a format comparable to the English Language Arts Standards of Learning. | The revised format supports the alignment of the English Language Proficiency Standards of Learning with the English Language Arts Standards of Learning. |
| The current standards are aligned with the English Standards of Learning. | The proposed revised standards are more closely aligned with the English Standards of Learning. | The rigor of the proposed standards has been increased in response to feedback from the field to ensure that students are approaching grade level before exiting English as a Second Language (ESL) instruction. |

**Proposed
English Language Proficiency
Standards of Learning
for Virginia Public Schools**

**Board of Education
Commonwealth of Virginia
September 27, 2006**

Proposed English Language Proficiency Standards of Learning

Introduction

The English Language Proficiency Standards of Learning support the English language development of limited English proficient (LEP) students. The goal of these standards is to provide the foundation that will enable LEP students to be successful in the English Standards of Learning and to succeed in other content areas. This foundation is essential because LEP students are learning English as another language.

The goal for the education of limited English proficient (LEP) students is to provide intensive instruction so that LEP students can develop English proficiency as quickly as possible in order to reach full educational parity with their peers in all academic subjects.

Proficient use of the English language enables students to explore and articulate the complex issues and ideas encountered in public and personal life. Students acquire the ability to make full and effective use of the written language in their future educational, occupational, and personal endeavors.

A LEP student in the Commonwealth of Virginia is classified according to the federal government definition as described in Public Law 107-110, the *No Child Left Behind Act of 2001*.

An LEP student is classified as one:

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C) (i) who was not born in the United States or whose native language is a language other than English; and who comes from an environment where a language other than English is dominant

OR

(ii) (I) who is a Native American or Alaska Native, or a native resident of outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency;

OR

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

AND

(D) whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to achieve successfully in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

[P.L. 107-110, Title IX, Part A, Sec. 9101, (25)]

Limited English proficient students, like the general population, are a diverse group. Their abilities range on a continuum from being gifted to having special needs. Additionally, LEP students range from having a high level of proficiency in all skill areas in their native language to being illiterate or minimally literate. Some LEP students have had prior formal schooling outside of the United States in their native language while others have had limited formal schooling.

English Language Proficiency Standards of Learning for Kindergarten through Grade 12

Organization of the English Language Proficiency Standards of Learning

Four levels of English proficiency, level 1, level 2, level 3, and level 4, with level 1 being the lowest level, have been defined for the state's limited English proficient (LEP) population. Within each of these levels, standards have been developed for oral language (listening and speaking), reading, and writing. These standards represent what a LEP student should know and be able to do at each level. In kindergarten and first grade, there are two levels of English proficiency, level 1, and level 2. In second grade, there are three levels of proficiency, level 1, level 2, and level 3. In grades three through twelve, there are four levels of proficiency. The number of proficiency levels at these grade levels addresses the students' English language acquisition as it relates to their conventional cognitive and linguistic development.

The English Language Proficiency Standards have been aligned with the English Standards of Learning. In some cases the descriptor for the English Standards of Learning and the English Language Proficiency Standards is the same, but the indicators beneath the descriptor differ. This difference reflects the skills and abilities that the LEP student should accomplish at that proficiency level. Another difference between the English Language Proficiency Standards and the English Standards of Learning is that the English Language Proficiency Standards are not all grade-level specific. LEP students will proceed through these levels at their own pace, depending in part on their level of proficiency in their native language, the age at which they entered school in the United States, and their ability to learn another language.

Limited English proficient students enter schools with a wide range of native language and English skills and abilities that contribute to the rate at which they will acquire proficiency in the English language. Research indicates that it may take five to seven years on the average for a student to become fully proficient in academic English. Another critical factor in the organization of these standards is that the standards assume that the material presented at each proficiency level is controlled for both age and proficiency level in English. Additionally, it is assumed that students have mastered the skills in one proficiency level before moving to the next, therefore eliminating the need to repeat indicators at each proficiency level.

The standards have been numbered in sequence for each grade level or grade level cluster and for each proficiency level within that grade or grade span with level one being the lowest level of proficiency. For example, the standards for kindergarten in proficiency level 1 are numbered sequentially beginning with LEPK.1.1 indicating the grade, proficiency level and number of the standard. The standards for first grade in proficiency level 1 are numbered sequentially beginning with LEP1.1.1. The standards for second grade in proficiency level 1 are numbered sequentially beginning with LEP2.1.1. The standards for grades three through five in proficiency level 1 are numbered sequentially beginning with LEP3-5.1.1. The standards for grade six through twelve are numbered sequentially beginning with LEP6-12.1.1.

Although strands for oral language, reading and writing, have been developed separately, they should be integrated into classroom instruction. Proficiency in listening, speaking, reading and writing, as outlined in these standards, allows LEP students to make a successful transition to meeting the English Standards of Learning and to succeed in the content areas. A concerted

effort should be made to relate required reading selections to other core subjects including mathematics, science, history and social science.

The English Language Proficiency Standards of Learning are not intended to limit the scope of instructional programs for LEP students. School divisions are encouraged to use the standards as a framework for developing programs designed to meet the needs of the LEP students.

Virginia's English Language Proficiency Standards of Learning
Presented by Proficiency Level Across Grade Levels
September 27, 2006

| Kindergarten Limited English Proficiency Level 1 Oral Language | Kindergarten Limited English Proficiency Level 2 Oral Language |
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| <p>Below are general descriptions for each of the skill areas for kindergarten students at proficiency level 1.</p> <p>Oral Language (Listening/Speaking): Students in kindergarten at proficiency level 1 can comprehend simple statements and questions. They understand the general idea of basic messages and conversations. Additionally, students at proficiency level 1 can comprehend language consisting of basic vocabulary and grammatical structures in face-to-face conversations. Students at proficiency level 1 can initiate and respond to basic statements and engage in basic face-to-face conversations with more fluent speakers.</p> <p>Standard: LEPK.1.1 The student will demonstrate growth in the use of oral language.</p> <ul style="list-style-type: none"> a) Listen to a variety of literary forms, including stories and poems. b) Participate in choral speaking and recite short poems, rhymes, songs, and stories with repeated patterns. c) Recognize and begin to use simple vocabulary and structures necessary to participate in everyday classroom routines. d) Ask and respond to questions using words, phrases, and/or simple sentences. e) Recognize rhyming words. | <p>Below are general descriptions for each of the skill areas for students in kindergarten at proficiency level 2.</p> <p>Oral Language (Listening/Speaking): Students in kindergarten at proficiency level 2 can comprehend short conversations on simple topics. They can understand frequently used verb tenses and word-order patterns in simple sentences. They can demonstrate a detailed understanding of short conversations and messages but have only a general understanding of longer conversations and messages. Students at proficiency level 2 can initiate and sustain a conversation, although they may speak with hesitation and rely on known vocabulary. They typically use the more common verb tense forms (present, past, and future), but may make errors in tense formation and proper selection of verbs. They can express some details and nuances by using appropriate modifiers. They are beginning to use word order accurately in simple sentences, but make errors when using complex patterns. Extended communication is typically a series of short, familiar structures.</p> <p>Standard: LEPK.2.1 The student will demonstrate growth in the use of oral language.</p> <ul style="list-style-type: none"> a) Begin to discriminate between spoken syllables, words, and sentences. b) Generate familiar rhyming words in a rhyming pattern. c) Use vocabulary and structures necessary to participate in everyday classroom routines. |

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| Kindergarten Limited English Proficiency Level 1 Oral Language | Kindergarten Limited English Proficiency Level 2 Oral Language |
| <p>Standard: LEPK.1.2 The student will use listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Use number words correctly. b) Use words to accurately describe/name people, places, and things. c) Use words to accurately describe location, size, color, and shape using correct word order. d) Follow simple one-step directions. <p>Standard: LEPK.1.3 The student will build oral communication skills.</p> <ul style="list-style-type: none"> a) Listen and speak in informal conversations with English-speaking peers. b) Participate in discussions about familiar topics from classroom texts. c) Communicate basic needs and wants. d) Use common social greetings and phrases. <p>Standard: LEPK.1.4 The student will hear, say, and manipulate phonemes (small units of sound) of spoken language.</p> <ul style="list-style-type: none"> a) Begin to separate one-syllable words into sounds. b) Begin to blend sounds orally to make words or syllables. c) Identify words that rhyme. | <p>Standard: LEPK.2.2 The student will use listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Use words to describe actions. b) Begin to ask about misunderstood words. c) Follow one-step and some two-step directions. d) Begin to ask how and why questions. <p>Standard: LEPK.2.3 The student will build oral communication skills.</p> <ul style="list-style-type: none"> a) Begin to follow basic rules for conversation, including taking turns and staying on topic. b) Begin to initiate conversations with peers and adults. c) Express ideas and needs in complete sentences. d) Begin to use voice level, phrasing, and intonation appropriate for language situation. <p>Standard: LEPK.2.4 The student will hear, say, and manipulate phonemes (small units of sound) of spoken language.</p> <ul style="list-style-type: none"> a) Identify and begin to produce words that rhyme. b) Group words according to shared beginning or ending sounds. c) Blend sounds to make word parts and words with a minimum of 1-2 syllables. d) Separate words into syllables. e) Match consonant and short vowel sounds to appropriate letters. |

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| <p>Kindergarten Limited English Proficiency Level 1 Reading</p> <p>Reading: Students in kindergarten at proficiency level 1 are beginning to acquire skills that will assist them in learning how to read. They rely on visual cues and prior knowledge or experience with the topic. Comprehension is limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 1 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of pictures, diagrams, and text context.</p> <p>Standard: LEPK.1.5 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Hold print materials in the correct position. b) Identify the front cover, back cover, and title page of a book. c) Follow words from left to right and from top to bottom on a printed page. d) Begin to match voice with print in syllables and some simple words. e) Identify the difference between letters and numbers. <p>Standard: LEPK.1.6 The student will demonstrate an understanding that print makes sense.</p> <ul style="list-style-type: none"> a) Identify common signs and logos. b) Begin to identify a minimum of 3-5 high-frequency words. c) Explain own drawings using simple words and phrases. <p>Standard: LEPK.1.7 The student will develop an understanding of basic phonetic principles.</p> <ul style="list-style-type: none"> a) Match consonant sounds to appropriate letters. b) Identify and name the uppercase and lowercase letters of the alphabet. c) Identify beginning and ending consonant sounds in one-syllable words. | <p>Kindergarten Limited English Proficiency Level 2 Reading</p> <p>Reading: Students in kindergarten at proficiency level 2 are beginning to acquire skills that will assist them in learning how to read. They use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions, and structures. They can comprehend simple words and phrases, but they must frequently guess at the meanings of more complex materials. They begin to make informed guesses about meaning from context. Comprehension is still limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 2 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of pictures, diagrams, cognates, and text context.</p> <p>Standard: LEPK.2.5 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify the difference between letters and words. b) Match voice with print in syllables, words, and some simple phrases. <p>Standard: LEPK.2.6 The student will demonstrate an understanding that print makes sense.</p> <ul style="list-style-type: none"> a) Explain that printed materials provide information. b) Read a minimum of 5-7 high-frequency words. c) Read and explain own writing and drawings. <p>Standard: LEPK.2.7 The student will develop an understanding of basic phonetic principles.</p> <ul style="list-style-type: none"> a) Begin to use beginning and ending consonants to decode single-syllable words. b) Begin to identify two-letter consonant sounds in single-syllable words. c) Begin to match consonant and short vowel sounds to appropriate letters. |
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| Kindergarten Limited English Proficiency Level 1 Reading | Kindergarten Limited English Proficiency Level 2 Reading |
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| <p>Standard: LEPK.1.8 The student will demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Identify characters, setting, and events. b) Identify what an author does and what an illustrator does. | <p>Standard: LEPK.2.8 The student will demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Begin to use pictures to make predictions about content. b) Begin to retell familiar stories. c) Begin to identify the beginning, middle, and end of stories. d) Begin to discuss characters, setting, and events. e) Begin to answer who, what, when where, why, and how questions about what is read. f) Begin to identify the topics of nonfiction selections. |

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| Kindergarten Limited English Proficiency Level 1 Writing | Kindergarten Limited English Proficiency Level 2 Writing |
| <p>Writing: Students in kindergarten at proficiency level 1 are beginning to develop their ability to communicate through writing. They are able to print the letters of the alphabet with assistance and to copy from a model. In their attempts to write words or phrases, errors in spelling and grammar are frequent.</p> <p>Standard: LEPK.1.9 The student will begin to write to communicate ideas.</p> <ul style="list-style-type: none"> a) Print uppercase and lowercase letters of the alphabet with assistance. b) Print own first name. c) Draw pictures and use 1-2 phonetically spelled words to write about experiences, stories, people, objects, or events. d) Write left to right and top to bottom. e) Copy from a model. f) Dictate ideas to an adult. | <p>Writing: Students in kindergarten at proficiency level 2 are continuing to develop their ability to communicate through writing. They use pictures and phonetically spelled words to express their ideas. In their attempts to write words or phrases, errors in spelling and grammar are frequent.</p> <p>Standard: LEPK.2.9 The student will begin to write to communicate ideas.</p> <ul style="list-style-type: none"> a) Print own first and last names. b) Draw pictures and use letters, and phonetically spelled words, and sentences of 2-4 words to write about experiences, stories, people, objects, or events. c) Begin to use available technology for reading and writing. |

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| <p>Grade 1 Limited English Proficiency Level 1 Oral Language</p> <p>Below are general descriptions for each of the skill areas for students in grade 1 at proficiency level 1.</p> <p>Oral Language (Listening/Speaking): Students in first grade at proficiency level 1 can comprehend simple statements and questions. They understand the general idea of basic messages and conversations. Additionally, students at proficiency level 1 can comprehend language consisting of basic vocabulary and grammatical structures in face-to-face conversations. However, frequent errors in grammatical structures and syntax are characteristic at this level. Students at proficiency level 1 can initiate and respond to basic statements and engage in basic face-to-face conversations with more fluent speakers. Errors are characteristic of language production at this stage.</p> <p>Standard: LEP1.1.1 The student will continue to demonstrate growth in the use of oral language.</p> <ul style="list-style-type: none"> a) Listen to a variety of media, including books, audiotapes, videos, and other materials. b) Tell and retell familiar stories and events. c) Begin to participate in a variety of oral language activities, including choral speaking and reciting short poems, rhymes, songs, and stories with repeated patterns, with errors. d) Ask and respond to questions using words, phrases, and/or simple sentences. e) Begin to express ideas orally with some errors, which may interfere with comprehension. | <p>Grade 1 Limited English Proficiency Level 2 Oral Language</p> <p>Below are general descriptions for each of the skill areas for students in grade 1 at proficiency level 2.</p> <p>Oral Language (Listening/Speaking): Students in first grade at proficiency level 2 can comprehend short conversations on simple topics. They can understand frequently used verb tenses and word-order patterns in simple sentences. They can demonstrate a detailed understanding of short conversations and messages but have only a general understanding of longer conversations and messages. Students at proficiency level 2 can initiate and sustain a conversation, although they often speak with hesitation and rely on a known vocabulary. They typically use the more common verb tense forms (present, past, and future), but may make numerous errors in tense formation and proper selection of verbs. They can express some details and nuances by using appropriate modifiers. They can use word order accurately in simple sentences, but may make errors when using complex patterns. Extended communication is typically a series of short, familiar structures. Errors exist and may interfere with meaning.</p> <p>Standard: LEP1.2.1 The student will continue to demonstrate growth in the use of oral language.</p> <ul style="list-style-type: none"> a) Listen and respond to a variety of media, including books, audiotapes, videos, and other materials. b) Tell and retell simple stories and events in logical order. c) Participate in a variety of oral language activities, including choral speaking and reciting short poems, rhymes, songs, and stories with repeated patterns, with some errors. d) Express ideas orally in complete sentences with some errors, which may interfere with comprehension. |
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| <p>Grade 1 Limited English Proficiency Level 1 Oral Language</p> <p>Standard: LEP1.1.2 The student will continue to use and expand listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Use number words. b) Begin to use oral descriptive vocabulary. c) Begin to ask for clarification of misunderstood words. d) Follow and give simple one-step oral directions. e) Use familiar singular and plural nouns. <p>Standard: LEP1.1.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Begin to initiate informal conversation with English-speaking peers. b) Begin to use appropriate voice level in small group settings. c) Respond to simple questions in small group settings with some errors. d) Communicate basic needs and wants. e) Use common social greetings and phrases. <p>Standard: LEP1.1.4 The student will hear, say, and manipulate phonemes (small units of sound) in syllables and multisyllabic words.</p> <ul style="list-style-type: none"> a) Separate one-syllable words into sounds. b) Begin to group words according to shared beginning or ending sounds. c) Identify words that rhyme. d) Blend sounds to create simple words or syllables. | <p>Grade 1 Limited English Proficiency Level 2 Oral Language</p> <p>Standard: LEP1.2.2 The student will continue to use and expand listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Increase oral descriptive vocabulary. b) Begin to ask for clarification and explanation of words and ideas. c) Follow and give some simple two-step directions. d) Use singular and plural nouns. <p>Standard: LEP1.2.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Begin to initiate conversation with peers and adults. b) Begin to follow rules for conversation. c) Use appropriate language for informal and formal conversations with peers and adults with some errors. d) Ask and respond to simple questions in small group settings with some errors. <p>Standard: LEP1.2.4 The student will hear, say, and manipulate phonemes (small units of sound) in syllables and multisyllabic words.</p> <ul style="list-style-type: none"> a) Separate two-syllable words into sounds. b) Group words according to shared beginning or ending sounds. c) Create simple words that rhyme. d) Blend sounds to create words or syllables. |
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| <p>Grade 1 Limited English Proficiency Level 1 Reading</p> <p>Reading: Students in first grade at proficiency level 1 are beginning to acquire skills that will assist them in learning how to read. They are beginning to understand the general message of basic reading passages that contain simple language structures and syntax. They rely on visual cues and prior knowledge or experience with the topic. Comprehension is limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 1 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of pictures, diagrams, cognates, and text context.</p> <p>Standard: LEP1.1.5 The student will apply knowledge of how print is organized and read.</p> <ul style="list-style-type: none"> a) Read from left to right and from top to bottom. b) Begin to match spoken words with print. c) Identify the difference between letters and numbers. d) Identify what an author does and what an illustrator does. e) Hold print materials in the correct position. f) Identify the front cover, back cover, and title page of a book. <p>Standard: LEP1.1.6 The student will apply phonetic principles to read and spell.</p> <ul style="list-style-type: none"> a) Identify beginning consonant sounds in one-syllable words. b) Identify and name the uppercase and lowercase letters of the alphabet. c) Match consonant sounds to appropriate letters. d) Match short vowel sounds to appropriate letters. e) Blend beginning, middle, and ending sounds to produce single syllable words. f) Create compound words with the assistance of visual clues or manipulatives. g) Begin to read a minimum of 20 common, high-frequency words. h) Use knowledge of alphabetical order to find words in a picture dictionary by first letter using alphabet chart. | <p>Grade 1 Limited English Proficiency Level 2 Reading</p> <p>Reading: Students in first grade at proficiency level 2 can understand basic narrative text and authentic materials. They can use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions, and structures. They can comprehend passages written in basic sentence patterns, but they frequently have to guess at the meanings of more complex materials. They begin to make informed guesses about meaning from context. They still rely on visual cues and prior knowledge or experience with the topic. They understand the general message of basic reading passages that contain simple language structures and syntax. They can begin to identify the main idea and supporting details of passages.</p> <p>Standard: LEP1.2.5 The student will apply phonetic principles to read and spell.</p> <ul style="list-style-type: none"> a) Use beginning and ending consonants to decode and spell one-syllable words. b) Recognize two-letter consonant blends in one-syllable words. c) Use vowel sounds to decode and spell words. d) Begin to blend beginning, middle, and ending sounds to recognize and read single words. e) Use word patterns to decode unfamiliar single syllable words. f) Identify and create compound words. g) Read and spell a minimum of 20 common, high-frequency words. h) Use knowledge of alphabetical order to find words in a dictionary. i) Use a picture dictionary to find meanings of unfamiliar words. |
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| <p>Grade 1 Limited English Proficiency Level 1 Reading</p> | <p>Grade 1 Limited English Proficiency Level 2 Reading</p> |
| <p>Standard: LEP1.1.7 The student will use meaning clues and language structure to expand vocabulary when reading.</p> <ul style="list-style-type: none"> a) Name items in titles and pictures. b) Begin to recognize words, phrases, and simple sentences in familiar passages and short stories. <p>Standard: LEP1.1.8 The student will read and demonstrate comprehension of a variety of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Relate previous experiences to what is read. b) Use pictures to make predictions about text. c) Answer simple factual questions about what is read. d) Create artwork or a written response that shows comprehension of a selection. e) Identify characters, setting, and events. f) Retell familiar stories. g) Identify the topics of nonfiction selections. | <p>Standard: LEP1.2.6 The student will use meaning clues and language structure to expand vocabulary when reading.</p> <ul style="list-style-type: none"> a) Use titles and pictures as context clues. b) Begin to use knowledge of the story and topic to read words. c) Begin to use knowledge of sentence structure. d) Begin to reread and self-correct. <p>Standard: LEP1.2.7 The student will demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Begin to preview selections by using pictures, charts, and titles. b) Answer who, what, when, and where questions about what is read. c) Begin to ask who, what, when where, why, and how questions about what is read. d) Discuss why and how questions with prompting. e) Retell stories and events, using beginning, middle, and end. f) Identify the topic or main idea. g) Identify reading selections as fiction and nonfiction. |

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| <p>Grade 1 Limited English Proficiency Level 1 Writing</p> <p>Writing: Students in first grade at proficiency level 1 are beginning to develop their ability to communicate through writing. They are able to write words and phrases by copying from a model. Errors in spelling and grammar that may interfere with meaning are frequent and characteristic of language production at this stage.</p> <p>Standard: LEP1.1.9 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Print upper and lowercase letters of the alphabet following a model. b) Space words and sentences. c) Print own first and last names. d) Write left to right and top to bottom. e) Draw pictures or use letters and phonetically spelled words to write simple passages about experiences, stories, people, objects, or events. f) Copy from a model. g) Dictate ideas to an adult. h) Recognize that sentences begin with a capital letter and end with a punctuation mark. i) Share drawings and writing with others. j) Use available technology for reading and writing. | <p>Grade 1 Limited English Proficiency Level 2 Writing</p> <p>Writing: Students in first grade at proficiency level 2 can compose short passages on familiar topics. Basic vocabulary and structures in simple sentences and phrases are characteristic of student writing at this level. Errors in spelling and grammar that may interfere with meaning are characteristic of language production at this stage.</p> <p>Standard: LEP1.2.8 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Participate in group generation of ideas. b) Write multiple sentences on a familiar topic. c) Use descriptive words in proper word order. d) Use complete sentences in final copies. e) Begin each sentence with a capital letter and use ending punctuation in final copies. f) Use high-frequency sight words with limited spelling errors and phonetically spelled regular words in final copies. g) Share writing with others. |
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| Grade 2 English Language Proficiency Level 1 Oral Language | Grade 2 English Language Proficiency Level 2 Oral Language | Grade 2 English Language Proficiency Level 3 Oral Language |
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| <p>Below are general descriptions for each of the skill areas for second grade students at proficiency level 1.</p> <p>Oral Language (Listening/Speaking): Students in second grade at proficiency level 1 can comprehend simple statements and questions. They understand the general idea of basic messages and conversations. Additionally, students at proficiency level 1 can comprehend language consisting of basic vocabulary and grammatical structures in face-to-face conversations. Students at proficiency level 1 can initiate and respond to basic statements and engage in basic face-to-face conversations with more fluent speakers. Frequent errors are characteristic of language production at this stage.</p> <p>Standard: LEP2.1.1 The student will demonstrate an understanding of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to a variety of literary forms, including stories and poems. b) Begin to discriminate between spoken sentences, words, and syllables. | <p>Below are general descriptions for each of the skill areas for second grade students at proficiency level 2.</p> <p>Oral Language (Listening/Speaking): Students in second grade at proficiency level 2 can comprehend short conversations on simple topics. They can understand frequently used verb tenses and word-order patterns in simple sentences. They can demonstrate a detailed understanding of short conversations and messages, but have a general understanding of longer conversations and messages. Students at proficiency level 2 can initiate and sustain a conversation, although they often speak with hesitation and rely on a familiar and frequently used vocabulary. They typically use the more common verb tense form (present, past, and future), but may make numerous errors in tense formation and proper selection of verbs. They can express some details and nuances by using appropriate modifiers. Extended communication is typically a series of short, familiar structures. They can use word order accurately in simple sentences, but may make errors that interfere with meaning when using complex patterns.</p> <p>Standard: LEP2.2.1 The student will demonstrate an understanding of oral language structure.</p> <ul style="list-style-type: none"> a) Listen and respond to a variety of media, including books, audiotapes, videos, and other age-appropriate materials. b) Tell and retell stories and events in logical order. c) Express ideas in complete sentences. | <p>Below are general descriptions for each of the skill areas for second grade students at proficiency level 3.</p> <p>Oral Language (Listening and Speaking): Students in second grade at proficiency level 3 can understand standard speech delivered in most settings, given some repetition and rewording. They can understand the main ideas and relevant details of extended discussions or presentations. They draw on a wide range of language forms, vocabulary, idioms, and structures. They can comprehend many subtle nuances, given repetition and/or rephrasing. Students at proficiency level 3 are beginning to detect affective undertones, and they understand inferences in spoken language. They can communicate orally in most situations. They may have difficulty producing complex sentence structure, using verb tenses correctly, and discussing academic topics in-depth without prior preparation. They can engage in extended conversations on a broad range of topics. They have mastered basic sentence structure and verb tenses and are beginning to use more complex structures in speaking and writing. Some errors may interfere with meaning.</p> <p>Standard: LEP2.3.1 The student will demonstrate an understanding of oral language structure.</p> <ul style="list-style-type: none"> a) Create oral stories to share with others. b) Create and participate in oral dramatic activities. c) Use regular verb tenses. d) Use varying sentence structures. |

| Grade 2 English Language Proficiency Level 1 Oral Language | Grade 2 English Language Proficiency Level 2 Oral Language | Grade 2 English Language Proficiency Level 3 Oral Language |
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| <p>c) Participate in a variety of oral language activities, including choral speaking and reciting short poems, rhymes, songs, and stories with repeated patterns, with errors.</p> <p>d) Ask and respond to questions using phrases and/or simple sentences.</p> <p>Standard: LEP2.1.2 The student will expand listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Use words to describe location, number, size, color, and shape. b) Ask about words not understood. c) Use words to describe/name people, places, and things. d) Use descriptive words in correct word order. e) Follow one-step directions. f) Give one-step directions on familiar topics. <p>Standard: LEP2.1.3 The student will use oral communication skills.</p> <ul style="list-style-type: none"> a) Begin to follow rules for conversation, including taking turns and staying on topic. b) Begin to use voice level, phrasing, and intonation appropriate for language situation. c) Begin to initiate conversations that express ideas and needs in complete sentences. d) Begin to ask how and why questions. e) Participate in discussions about books and specific topics. f) Communicate basic needs and wants. g) Use common social greetings and phrases. | <p>Standard: LEP2.2.2 The student will expand listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Increase descriptive vocabulary. b) Begin to ask for clarification and explanation of words and ideas. c) Use regular singular and plural nouns d) Follow two-step directions and begin to follow multi-step directions on familiar topics. e) Begin to give directions on familiar topics. <p>Standard: LEP2.2.3 The student will use oral communication skills.</p> <ul style="list-style-type: none"> a) Initiate conversation with peers and adults. b) Use appropriate voice level in small group settings. c) Ask and respond to simple questions in small group settings. | <p>Standard: LEP2.3.2 The student will expand listening and speaking vocabularies.</p> <ul style="list-style-type: none"> a) Use words that reflect a growing range of social and academic vocabulary. b) Clarify and explain words and ideas orally. c) Use synonyms and antonyms. d) Follow and begin to give multi-step directions on familiar topics. <p>Standard: LEP2.3.3 The student will use oral communication skills.</p> <ul style="list-style-type: none"> a) Participate as a contributor and leader in a group. b) Use oral language to inform and persuade. c) Share stories or information with an audience. d) Retell information shared orally by others. |

| Grade 2 English Language Proficiency Level 1 Oral Language | Grade 2 English Language Proficiency Level 2 Oral Language | Grade 2 English Language Proficiency Level 3 Oral Language |
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| Standard: LEP2.1.4 The student will hear, say, and manipulate phonemes (small units of sound) of spoken language. <ul style="list-style-type: none"> a) Separate one-syllable words into sounds. b) Identify words that rhyme. c) Begin to group words according to shared beginning or ending sounds. d) Blend sounds to create simple words or syllables. e) Divide words into syllables. | Standard: LEP2.2.4 The student will hear, say, and manipulate phonemes (small units of sound) in syllables and multisyllabic words. <ul style="list-style-type: none"> a) Separate two-syllable words into sounds. b) Create simple words that rhyme. c) Group words according to shared beginning or ending sounds. d) Blend sounds to create words or syllables. | |

| Grade 2 English Language Proficiency Level 1 Reading | Grade 2 English Language Proficiency Level 2 Reading | Grade 2 English Language Proficiency Level 3 Reading |
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| <p>Reading: Students in second grade at proficiency level 1 can understand basic material. They can understand the general message of basic reading passages that contain simple language structures and syntax. Students at proficiency level 1 rely on visual cues and prior knowledge and experience with the topic. Comprehension is limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 1 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of pictures, diagrams, cognates, and text content.</p> <p>Standard: LEP 2.1.5 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify the front cover, back cover, and title page of a book. b) Follow words from left to right and from top to bottom on a printed page. c) Match high-frequency spoken words with print. d) Identify letters, words, and sentences. e) Identify what an author does and what an illustrator does. f) Identify common signs and logos. <p>Standard: LEP2.1.6 The student will use phonetic strategies when reading and spelling.</p> <ul style="list-style-type: none"> a) Identify and name the uppercase and lowercase letters of the alphabet. b) Match consonant and short vowel sounds to appropriate letters. c) Blend beginning, middle, and ending sounds to produce one-syllable words. d) Create compound words with the assistance of visual clues or manipulatives. | <p>Reading: Students in second grade at proficiency level 2 can understand basic narrative text and authentic materials. They can use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions, and structures. They can comprehend passages written in basic sentence patterns, but they frequently have to guess at the meanings of more complex materials. They begin to make informed guesses about meaning from context. They can begin to identify the main idea and supporting details of passages.</p> <p>Standard: LEP2.2.5 The student will use phonetic strategies when reading and spelling.</p> <ul style="list-style-type: none"> a) Use beginning and ending consonants and short vowel sounds to decode one-syllable words. b) Recognize two-letter consonant blends in one-syllable words. c) Blend beginning, middle, and ending sounds to recognize and read single syllable words. | <p>Reading: Students in second grade at proficiency level 3 can comprehend the content of many texts independently. They still require support in understanding texts in the academic content areas. They have a high degree of success with factual information in non-technical prose. They can read many literature selections for pleasure. They can separate main ideas from supporting ones. They can begin to analyze reading passages written at a level appropriate for the general public. They can use the context of a passage and prior knowledge to increase their comprehension. They can detect the overall tone and intent of text.</p> <p>Standard: LEP2.3.4 The student will use phonetic strategies when reading and spelling.</p> <ul style="list-style-type: none"> a) Use knowledge of consonants to decode and spell words. b) Use knowledge of vowel patterns to decode words. c) Use knowledge of short and long vowel patterns to spell words. d) Use compound words. e) Decode familiar and unfamiliar multi-syllabic words. |

| Grade 2 English Language Proficiency Level 1 Reading | Grade 2 English Language Proficiency Level 2 Reading | Grade 2 English Language Proficiency Level 3 Reading |
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| <p>e) Begin to read a minimum of 20 common, high-frequency words.</p> <p>Standard: LEP2.1.7 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Name items in titles and pictures. b) Use knowledge of the story and topic to read words. c) Recognize the difference between singular and plural nouns. d) Recognize the singular possessive. e) Identify antonyms. f) Recognize simple abbreviations in personal titles. g) Identify words, sentences, and paragraphs. <p>Standard: LEP2.1.8 The student will read and demonstrate comprehension of a variety of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Use pictures to make predictions about content. b) Match visuals related to the story to previous experiences. c) Answer simple factual questions or create a visual response that shows comprehension of a selection. d) Identify characters, setting, and events. | <p>d) Use word patterns to decode unfamiliar one-syllable words.</p> <p>e) Identify and create compound words.</p> <p>f) Read a minimum of 20 common, high-frequency sight words.</p> <p>Standard: LEP2.2.6 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Use titles and pictures as context clues. b) Use knowledge of sentence structure to comprehend text. c) Begin to use knowledge of common prefixes and suffixes to read text. d) Use knowledge of common contractions and singular possessives. e) Identify antonyms and synonyms. f) Use knowledge of simple abbreviations in personal titles, days of the week and months of the year. g) Begin to read sentences and simple paragraphs on familiar topics. <p>Standard: LEP2.2.7 The student will read and demonstrate comprehension of a variety of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Begin to make predictions about content with the assistance of pictures, title or other prompts. b) Use simple sentences to describe how previous experiences relate to what is read. c) Answer who, what, when, and where questions about what is read. d) Begin to discuss characters, setting, and important events. | <p>Standard: LEP2.3.5 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Use pictures, diagrams, titles, and headings to locate information and support comprehension. b) Set a purpose for reading with some assistance. c) Use knowledge of sentence structure and story structure to read. d) Use knowledge of familiar prefixes and suffixes to read text. e) Use knowledge of contractions and singular possessives. f) Use knowledge of common antonyms and synonyms. g) Use knowledge of abbreviations in personal titles, days of the week and months of the year and addresses. h) Read short passages on familiar topics. <p>Standard: LEP2.3.6 The student will read and demonstrate comprehension of a variety of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Make predictions about content and begin to read to support predictions. b) Relate previous experiences to the topic. c) Ask and answer questions about what is read and begin to locate information to support answer. d) Describe and discuss characters, setting, and important events. |

| Grade 2 English Language Proficiency Level 1 Reading | Grade 2 English Language Proficiency Level 2 Reading | Grade 2 English Language Proficiency Level 3 Reading |
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| <ul style="list-style-type: none"> e) Read and explain own writing and drawings. f) Retell familiar stories, using beginning, middle, and end. <p>Standard: LEP2.1.9 The student will demonstrate comprehension of information from a variety of print resources.</p> <ul style="list-style-type: none"> a) Identify a table of contents. b) Label pictures. c) Use knowledge of alphabetical order to find words in a picture dictionary. | <ul style="list-style-type: none"> e) Identify the main topic or idea. f) Begin to ask who, what, when, and where questions about what is read. g) Discuss why and how questions with prompting. h) Identify the selections as fiction or nonfiction. i) Retell stories, using beginning, middle, and end. j) Begin to reread and self-correct. <p>Standard: LEP2.2.8 The student will demonstrate comprehension of information from a variety of print resources.</p> <ul style="list-style-type: none"> a) Use a table of contents. b) Label pictures and charts to understand the information they contain. c) Use knowledge of alphabetical order to find words in a dictionary. | <ul style="list-style-type: none"> e) Identify the problem, solution and main idea of reading selections. f) Reread familiar stories, poems, and passages with some fluency and expression. g) Reread and self correct with assistance. <p>Standard: LEP2.3.7 The student will demonstrate comprehension of information from a variety of print resources.</p> <ul style="list-style-type: none"> a) Use pictures and charts. b) Use dictionaries. |

| Grade 2 English Language Proficiency Level 1 Writing | Grade 2 English Language Proficiency Level 2 Writing | Grade 2 English Language Proficiency Level 3 Writing |
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| <p>Writing: Students in second grade at proficiency level 1 can express basic personal needs and compose short passages on familiar topics. Basic vocabulary and structures in simple sentences and phrases are characteristic of student writing at this level. Errors in spelling and grammar are frequent and characteristic of language production.</p> <p>Standard: LEP2.1.10 The student will write stories, letters, and simple explanations.</p> <ul style="list-style-type: none"> a) Print uppercase and lowercase letters of the alphabet independently. b) Space words and sentences. c) Write left to right and top to bottom. d) Draw pictures and use high-frequency and phonetically spelled words to write about experiences, stories, people, objects, or events. e) Copy from a model. f) Begin to write a series of sentences on a familiar topic. g) Dictate ideas to an adult. h) Use available technology. <p>Standard: LEP2.1.11 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Print uppercase and lowercase letters of the alphabet independently. b) Space words and sentences. c) Write left to right and top to bottom. | <p>Writing: Students in second grade at proficiency level 2 can write simple notes, make brief journal entries, and write short reports, using basic vocabulary and common language structures. They can express ideas in the present, future, and past tenses. Frequent errors are characteristic of this level especially when students try to express thoughts that require more complex language structures.</p> <p>Standard: LEP2.2.9 The student will write stories, letters, and simple explanations.</p> <ul style="list-style-type: none"> a) Participate in group generation of ideas. b) Write multiple sentences on one topic. c) Use descriptive words in proper word order. d) Use complete sentences in final copies. e) Share writing with others. <p>Standard: LEP2.2.10 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Recognize and use basic sentence patterns. b) Begin each sentence with a capital letter and use ending punctuation in final copies. c) Capitalize proper nouns and the word “I.” d) Use the common articles such as “the,” “a,” and “an.” | <p>Writing: Students in second grade at proficiency level 3 can write multi-paragraph compositions, journal entries, personal and business letters, and creative passages. They can present their thoughts in an organized manner that is easily understood by the reader. They show good control of English word structure and of the most frequently used grammatical structures, but errors are still present. They can express complex ideas and use a wide range of vocabulary, idioms, and structures, including the full range of verb tenses.</p> <p>Standard: LEP2.3.8 The student will write stories, letters, and simple explanations.</p> <ul style="list-style-type: none"> a) Generate ideas before writing with the aid of graphic organizers when necessary. b) Organize writing to include a beginning, middle, and end. c) Begin to revise writing for clarity in response to feedback. <p>Standard: LEP2.3.9 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Use appropriate sentence patterns with limited errors that do not interfere with meaning. b) Use correct end punctuation. c) Use common singular and plural nouns and pronouns. |

| Grade 2 English Language Proficiency Level 1 Writing | Grade 2 English Language Proficiency Level 2 Writing | Grade 2 English Language Proficiency Level 3 Writing |
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| <ul style="list-style-type: none"> d) Draw pictures and use high-frequency and phonetically spelled words to write about experiences, stories, people, objects, or events. e) Copy from a model. f) Begin to write a series of sentences on a familiar topic. g) Dictate ideas to an adult. h) Share drawings and writing with others. i) Use available technology. | <ul style="list-style-type: none"> e) Use regular singular and plural nouns and pronouns. f) Use apostrophes in common contractions and singular possessives with some errors. g) Use high-frequency sight words with minimal spelling errors. | <ul style="list-style-type: none"> d) Use apostrophes in contractions and singular possessives with minimal errors. e) Use correct spelling for high-frequency sight words. |

| Grades 3-5 Limited English Proficiency Level 1 Oral Language | Grades 3-5 Limited English Proficiency Level 2 Oral Language | Grades 3-5 Limited English Proficiency Level 3 Oral Language | Grades 3-5 Limited English Proficiency Level 4 Oral Language |
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| <p>Below are general descriptions for each of the skill areas for students in grades 3, 4, and 5 at proficiency level 1.</p> <p>Oral Language (Listening and Speaking): Students in grades 3, 4, and 5, at proficiency level 1 can comprehend simple statements and questions. They understand the general idea of basic messages and conversations. Additionally, students at proficiency level 1 can comprehend language consisting of basic vocabulary and grammatical structures in face-to-face conversations. Students at proficiency level 1 can initiate and respond to basic statements and engage in basic face-to-face conversations with more fluent speakers. Frequent errors are characteristic of language production at this stage.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 3, 4, and 5 at proficiency level 2.</p> <p>Oral Language (Listening/Speaking): Students in grades 3, 4, and 5, at proficiency level 2 can comprehend short conversations on simple topics. They can understand frequently used verb tenses and word-order patterns in simple sentences. They can demonstrate a detailed understanding of short conversations and messages but only have a general understanding of longer conversations and messages. Students at proficiency level 2 can initiate and sustain a conversation, although they often speak with hesitation and rely on a known vocabulary. They typically use the more common verb tense form (present, past, and future), but may make numerous errors in tense formation and proper selection of verbs. They can express some details and nuances by using appropriate modifiers. They can use word order accurately in simple sentences, but may make errors when using complex patterns. Extended communication is typically a series of short, familiar structures. They can use word order accurately in simple sentences, but may make errors that interfere with meaning.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 3, 4, and 5 at proficiency level 3.</p> <p>Oral Language (Listening/ Speaking): Students in grades 3, 4, and 5, at proficiency level 3 can understand standard speech delivered in most settings, given some repetition and rewording. They can understand the main ideas and relevant details of extended discussions or presentations. They draw on a wide range of language forms, vocabulary, idioms, and structures. They can comprehend many subtle nuances, given repetition and/or rephrasing. Students at proficiency level 3 are beginning to detect affective undertones, and they understand inferences in spoken language. They can communicate orally in most situations. They may have difficulty producing complex sentence structure, using verb tenses correctly, and discussing academic topics in-depth without prior preparation. They can engage in extended conversations on a broad range of topics. They have mastered basic sentence structure and verb tenses and are beginning to use more complex structures in speaking and writing. Errors are characteristic especially when the students try to use more complex structures.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 3, 4, and 5 at proficiency level 4.</p> <p>Oral Language (Listening/Speaking): Students in grades 3, 4, and 5, at proficiency level 4 can understand most standard speech in both academic and social settings. They can understand and identify the main ideas and relevant details of discussions or presentations on a wide range of topics, including unfamiliar ones. Proficiency level 4 students are able to understand the nuances in meaning represented by variations in stress, intonation, pace, and rhythm. They can engage in most communicative situations with minimal errors. They have a high degree of fluency and accuracy when speaking, although with some language forms they may make errors that do not interfere with meaning, and they lack the content area vocabulary possessed by their native English-speaking peers. Some errors may interfere with meaning.</p> |

| Grades 3-5 Limited English Proficiency Level 1 Oral Language | Grades 3-5 Limited English Proficiency Level 2 Oral Language | Grades 3-5 Limited English Proficiency Level 3 Oral Language | Grades 3-5 Limited English Proficiency Level 4 Oral Language |
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| <p>Standard: LEP3-5.1.1 The student will demonstrate growth in the understanding and use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to a variety of literary forms, including stories and poems. b) Begin to respond to questions using phrases and/or simple sentences. c) Begin to express ideas in complete sentences with errors that may interfere with meaning. d) Begin to discriminate between words and syllables. e) Recognize vocabulary and structures necessary to participate in everyday classroom routines. <p>Standard: LEP3-5.1.2 The student will use and expand vocabulary.</p> <ul style="list-style-type: none"> a) Recognize regular singular and plural nouns. b) Recognize antonyms and synonyms. | <p>Standard: LEP3-5.2.1 The student will demonstrate growth in the understanding and use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to and respond to a variety of media, using phrases and short sentences with some errors that may interfere with meaning. b) Respond to questions using phrases and/or simple sentences. c) Begin to ask questions using phrases and/or simple sentences. d) Begin to express ideas in a logical order or around a central topic. e) Begin to discriminate between spoken sentences, words, and syllables. f) Demonstrate an understanding of and begin to use complex sentence structures. g) Begin to use vocabulary and structures necessary to participate in everyday classroom routines. <p>Standard: LEP3-5.2.2 The student will use and expand vocabulary.</p> <ul style="list-style-type: none"> a) Begin to talk about experiences using specific vocabulary and descriptive words. | <p>Standard: LEP3-5.3.1 The student will demonstrate growth in the understanding and use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen and respond to a variety of media using increasingly complex sentence structures. b) Express ideas in logical sequence or around a central topic. c) Discriminate between spoken sentences, words, and syllables. d) Use complex sentence structures. e) Use vocabulary and structures necessary to participate in everyday classroom routines. <p>Standard: LEP3-5.3.2 The student will use and expand vocabulary.</p> <ul style="list-style-type: none"> a) Use words that reflect a growing range of social and academic vocabulary. b) Clarify and explain words and ideas orally. | <p>Standard: LEP3-5.4.1 The student will demonstrate growth in the understanding and use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to and respond to a variety of media identifying key concepts and supporting details. b) Consistently express ideas in logical order and around a central topic. |

| Grades 3-5 Limited English Proficiency Level 1 Oral Language | Grades 3-5 Limited English Proficiency Level 2 Oral Language | Grades 3-5 Limited English Proficiency Level 3 Oral Language | Grades 3-5 Limited English Proficiency Level 4 Oral Language |
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| <ul style="list-style-type: none"> c) Begin to respond to how and why questions. d) Follow and give one-step directions on familiar topics. <p>Standard: LEP3-5.1.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Listen and speak in conversations with peers. b) Begin to develop social interaction skills. c) Begin to create simple oral stories to share with others. d) Begin to respond to questions in small group settings across content areas. e) Begin to participate in small group discussions about books and specific topics across content areas. f) Begin to use voice level, phrasing, and intonation appropriate for language situation. g) Communicate basic needs and wants. h) Restate and execute one-step directions. | <ul style="list-style-type: none"> b) Begin to clarify and explain words and ideas orally. c) Respond to how and why questions. d) Begin to ask how and why questions. e) Begin to use regular singular and plural nouns. f) Begin to use antonyms and synonyms. g) Recognize homophones. h) Follow and give two-step directions. <p>Standard: LEP3-5.2.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Participate in and begin to contribute to discussions and conversations with adults. b) Begin to share stories or information orally with an audience. c) Respond to questions in small group settings across content areas. d) Begin to ask questions in small group settings across content areas. e) Use voice level, phrasing, and intonation appropriate to the academic or social setting. f) Restate and execute two-step directions. g) Continue to develop social interaction skills. | <ul style="list-style-type: none"> c) Ask how and why questions. d) Use regular and singular plural nouns. e) Use synonyms and antonyms. f) Begin to use homophones. g) Follow and begin to give multi-step directions on familiar topics. <p>Standard: LEP3-5.3.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Use oral language to inform and to gain information. b) Begin to present oral reports using content-related information and vocabulary. c) Share stories or information orally with an audience. d) Ask questions in small group settings across content areas. e) Begin to participate in small group settings as a contributor and leader in a group. f) Restate and execute multi-step directions. g) Speak at a natural rate using appropriate volume and pitch. | <p>Standard: LEP3-5.4.2 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Use oral language to inform and persuade. b) Present oral reports using content-related information and vocabulary. c) Participate in small group settings as a contributor and leader in a group. d) Ask and respond to questions from group members across content areas. e) Speak clearly, use appropriate volume and pitch, and rate, as well as effective non-verbal communication skills. f) Use grammatically correct language and specific vocabulary to communicate ideas. |

| Grades 3-5 Limited English Proficiency Level 1 Oral Language | Grades 3-5 Limited English Proficiency Level 2 Oral Language | Grades 3-5 Limited English Proficiency Level 3 Oral Language | Grades 3-5 Limited English Proficiency Level 4 Oral Language |
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| <ul style="list-style-type: none"> i) Begin to describe preferences and opinions with simple vocabulary and sentence structure. j) Begin to paraphrase what is heard. k) Begin to retell information shared orally by others. <p>Standard: LEP3-5.1.4 The student will hear, say, and manipulate phonemes (small units of sound) in syllables and multisyllabic words.</p> <ul style="list-style-type: none"> a) Separate one-syllable words into sounds. b) Identify orally words that rhyme. c) Group words according to shared beginning or ending sounds. d) Blend sounds to make words or syllables. e) Divide words into syllables. | <ul style="list-style-type: none"> h) Describe preferences and opinions with increasingly complex vocabulary and sentence structure. i) Begin to summarize information shared orally by others. j) Paraphrase what is heard with added details or examples. k) Ask for clarification. l) Use interviewing techniques to gain information. m) Listen for key details and concepts. <p>Standard: LEP3-5.2.4 The student will hear, say, and manipulate phonemes (small units of sound) in syllables and multisyllabic words.</p> <ul style="list-style-type: none"> a) Separate two-syllable words into sounds. b) Create simple words that rhyme. c) Group words according to shared beginning or ending sounds. d) Blend sounds to create words or syllables. | <ul style="list-style-type: none"> h) Express ideas and needs in complete sentences with grammatical errors that do not interfere with meaning. i) Summarize information shared orally by others. | <ul style="list-style-type: none"> g) Summarize and analyze information shared orally by others. |

| Grades 3-5 Limited English Proficiency Level 1 Reading | Grades 3-5 Limited English Proficiency Level 2 Reading | Grades 3-5 Limited English Proficiency Level 3 Reading | Grades 3-5 Limited English Proficiency Level 4 Reading |
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| <p>Reading: Students in grades 3, 4, and 5, at proficiency level 1 can understand basic material. They can understand the general message of basic reading passages that contain simple language structures and syntax. Students at proficiency level 1 rely on visual cues and prior knowledge or experience with the topic. Comprehension is limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 1 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of visual cues, diagrams, cognates, and text content.</p> <p>Standard: LEP3-5.1.5 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify the front cover, back cover, and title page of a book and follow words from left to right and from top to bottom on a printed page. b) Begin to match high-frequency spoken words with print. c) Identify letters, words, and sentences. d) Identify what an author does and what an illustrator does. e) Identify common signs and logos. | <p>Reading: Students in grades 3, 4, and 5, at proficiency level 2 can understand basic narrative text and authentic materials. They can use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions, and structures. They can comprehend passages written in basic sentence patterns, but they frequently have to guess at the meanings of more complex materials. They begin to make informed guesses about meaning from context. They can begin to identify the main idea and supporting details of passages.</p> <p>Standard: LEP3-5.2.5 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify features of text to locate information and support comprehension. b) Match high-frequency spoken words with print. c) Begin to identify the difference between the printed form of poetry, drama, fiction, and nonfiction text. d) Identify author's purpose. | <p>Reading: Students in grades 3, 4, and 5, at proficiency level 3 can comprehend the content of many texts independently. They still require support in understanding texts in the academic content areas. They have a high degree of success with factual information in non-technical prose. They can read many literature selections for pleasure. They can separate main ideas from supporting ones and begin to analyze reading passages written at a level appropriate for the general public. They can use the context of a passage and prior knowledge to increase their comprehension. They can detect the overall tone and intent of text.</p> <p>Standard: LEP3-5.3.4 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify and use features of text such as pictures, diagrams, titles, and headings to locate information. b) Identify the difference between the printed form of poetry, drama, fiction, and nonfiction text. c) Begin to understand basic characteristics of a variety of literary forms. d) Begin to discuss the author's purpose. | <p>Reading: Students in grades 3, 4, and 5, at proficiency level 4 understand and obtain meaning from a wide range of texts. They use the same reading strategies as their native English-speaking peers to derive meaning from text. They are approaching grade-level mastery of the language structures and vocabulary necessary for understanding academic content and subject area texts.</p> <p>Standard: LEP3-5.4.3 The student will understand how print is organized and read.</p> <ul style="list-style-type: none"> a) Identify and use features of text to locate information, make predictions, and support comprehension. b) Understand basic characteristics of poetry, drama, narrative, and informational text. c) Provide details from text to support identification of author's purpose. |

| Grades 3-5 Limited English Proficiency Level 1 Reading | Grades 3-5 Limited English Proficiency Level 2 Reading | Grades 3-5 Limited English Proficiency Level 3 Reading | Grades 3-5 Limited English Proficiency Level 4 Reading |
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| <p>Standard: LEP3-5.1.6 The student will develop and apply phonetic principles and word analysis skills when reading.</p> <ul style="list-style-type: none"> a) Identify and name the uppercase and lowercase letters of the alphabet. b) Begin to match consonant and short vowel sounds to appropriate letters. c) Begin to use beginning and ending consonants and short vowel sounds to decode words. d) Blend beginning, middle, and ending sounds to produce one-syllable words. e) Create compound words using visuals or manipulatives. f) Identify a minimal number of common, high-frequency words. | <p>Standard: LEP3-5.2.6 The student will develop and apply phonetic principles and word analysis skills when reading.</p> <ul style="list-style-type: none"> a) Use beginning and ending consonants and short vowel sounds to decode words. b) Match consonant and short vowel sounds to appropriate letters. c) Recognize consonant blends in single-syllable words. d) Identify a minimal number of two letter combinations such as sh- and ch-. e) Blend beginning, middle, and ending sounds to recognize and read single syllable words. f) Use word patterns to decode unfamiliar one-syllable words. g) Identify and create compound words using visuals. h) Read a minimal number of common, high-frequency sight words. | <p>Standard: LEP3-5.3.5 The student will develop and apply phonetic principles and word analysis skills when reading.</p> <ul style="list-style-type: none"> a) Use knowledge of consonants and two-letter consonant blends and consonant digraphs to decode and spell words. b) Use knowledge of short, long and r-controlled vowel patterns to decode words. c) Use knowledge of short and long vowel patterns to spell words. d) Read and spell common, high-frequency sight words. e) Use compound words. | <p>Standard: LEP3-5.4.4 The student will develop and apply phonetic principles and word analysis skills when reading.</p> <ul style="list-style-type: none"> a) Use knowledge of consonants, consonant blends, and consonant digraphs to decode and spell words. b) Use knowledge of vowel patterns to decode and spell words. c) Decode multisyllabic words. |
| <p>Standard: LEP 3-5.1.7 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Understand that printed materials provide information. b) Name items in titles and pictures. c) Use knowledge of the story and topic to read words. | <p>Standard: LEP3-5.2.7 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Set a purpose for reading with assistance. b) Begin to use titles and pictures as context clues. c) Begin to use knowledge of sentence structure to comprehend text. | <p>Standard: LEP3-5.3.6 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Use titles and pictures as context clues. b) Use knowledge of sentence structure and sequence to read words. c) Use knowledge of prefixes and suffixes to read text. | <p>Standard: LEP3-5.4.5 The student will use meaning clues and language structure effectively when reading.</p> <ul style="list-style-type: none"> a) Ask questions that might be answered in the selection. b) Use context to clarify meanings of unfamiliar words. c) Use knowledge of root words, prefixes and suffixes. |

| Grades 3-5 Limited English Proficiency Level 1 Reading | Grades 3-5 Limited English Proficiency Level 2 Reading | Grades 3-5 Limited English Proficiency Level 3 Reading | Grades 3-5 Limited English Proficiency Level 4 Reading |
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| <ul style="list-style-type: none"> d) Recognize differences between singular and plural nouns. e) Recognize the singular possessive. f) Begin to identify antonyms and synonyms. g) Begin to use knowledge of simple abbreviations in personal titles, days of the week, months of the year, and addresses. | <ul style="list-style-type: none"> d) Use knowledge of common prefixes and suffixes to read text. e) Use knowledge of common contractions and singular possessives. f) Identify antonyms and synonyms. g) Use knowledge of simple abbreviations in personal titles, days of the week, months of the year, and addresses. | <ul style="list-style-type: none"> d) Use knowledge of contractions and singular possessives. e) Use knowledge of antonyms, synonyms, and homophones. | <ul style="list-style-type: none"> d) Use knowledge of synonyms, antonyms, homonyms, and multiple meanings of words. |
| <p>Standard: LEP3-5.1.8 The student will read and demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Use pictures to make predictions about content. b) Match visuals related to the story to previous experiences. c) Answer simple factual questions or create a visual response that shows comprehension of a selection. d) Identify names, characters, setting, and events. e) Identify the topics of reading selections. f) Identify reading selections as fiction and nonfiction. g) Read and explain own writing and drawings. h) Retell familiar stories. | <p>Standard: LEP3-5.2.8 The student will read and demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Begin to demonstrate comprehension of a variety of literary forms. b) Make predictions about content with the assistance of pictures, titles, or other prompts and read to confirm those predictions. c) Relate previous experiences to the topic. d) Ask and answer who, what, when, and where questions about what is read. e) Respond to why and how questions with prompting. f) Describe characters, setting, and important events. g) Identify similarities and differences of two reading selections. | <p>Standard: LEP3-5.3.7 The student will read and demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Demonstrate comprehension of a variety of literary forms. b) Make predictions about content. c) Ask and answer questions about what is read. d) Compare and contrast ideas and information using charts or graphic organizers. e) Respond to questions about content. f) Create cause and effect statements about text following a model. g) Create fact and opinion statements about text. h) Identify the problem and solution, or the main idea of reading selections. | <p>Standard: LEP3-5.4.6 The student will read and demonstrate comprehension of fiction and nonfiction.</p> <ul style="list-style-type: none"> a) Demonstrate comprehension of a variety of literary forms including poetry, drama, informational text, and narrative text. b) Make and confirm predictions. c) Begin to make connections between previous experiences or previously learned concepts or skills, and reading selections. d) Ask and answer questions about what is read and locate information to support answers. e) Begin to draw conclusions and make simple inferences from text that is read. |

| Grades 3-5 Limited English Proficiency Level 1 Reading | Grades 3-5 Limited English Proficiency Level 2 Reading | Grades 3-5 Limited English Proficiency Level 3 Reading | Grades 3-5 Limited English Proficiency Level 4 Reading |
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| <p>Standard: LEP3-5.1.9 The student will use information from a variety of resources.</p> <ul style="list-style-type: none"> a) Identify a table of contents. b) Label pictures. c) Use knowledge of alphabetical order to find words in a picture dictionary. | <ul style="list-style-type: none"> h) Retell stories using a beginning, middle, and end. i) Identify cause and effect relationships in text. j) Identify fact and opinion statements. k) Identify the main idea of reading selections. l) Begin to reread and self-correct with prompting. <p>Standard: LEP3-5.2.9 The student will use information from a variety of resources.</p> <ul style="list-style-type: none"> a) Use dictionary, glossary, encyclopedia, and other reference books, including online reference materials with minimal assistance. b) Collect new information gained from reading. c) Collect information from charts, maps, and graphs. | <ul style="list-style-type: none"> i) Reread familiar stories, poems, and passages with some fluency and expression. j) Begin to reread and self-correct. <p>Standard: LEP3-5.3.8 The student will use information from a variety of resources.</p> <ul style="list-style-type: none"> a) Use dictionary, glossary, thesaurus, encyclopedia, and other reference books, including online reference materials with limited assistance. b) Construct questions about new information gained from reading. | <ul style="list-style-type: none"> f) Distinguish between cause and effect. g) Distinguish between fact and opinion in text. h) Identify the problem, solution, and main idea of a selection. i) Read familiar fiction and nonfiction passages with increasing fluency and accuracy. j) Reread and self-correct when necessary. <p>Standard: LEP3-5.4.7 The student will use information from a variety of resources.</p> <ul style="list-style-type: none"> a) Use dictionary, glossary, thesaurus, encyclopedia, and other reference books, including online reference materials with limited assistance. b) Retrieve and organize information. c) Develop notes from sources. |

| Grades 3-5 Limited English Proficiency Level 1 Writing | Grades 3-5 Limited English Proficiency Level 2 Writing | Grades 3-5 Limited English Proficiency Level 3 Writing | Grades 3-5 Limited English Proficiency Level 4 Writing |
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| <p>Writing: Students in grades 3, 4, and 5, at proficiency level 1 can express basic personal needs and compose short passages on familiar topics. Basic vocabulary and structures in simple sentences and phrases are characteristic of student writing at this level. Errors in spelling and grammar are frequent and characteristic of language production at this stage.</p> <p>Standard: LEP3-5.1.10 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Draw a picture to plan for writing. b) Print legibly with appropriate spacing. c) Begin to make the transition to cursive. d) Draw pictures and use high-frequency and phonetically spelled words to write about experiences, stories, people, objects, or events. e) Write multiple sentences on one topic, using a model as a guide. f) Use transition words in sentences patterned after a model. g) Use available technology. | <p>Writing: Students in grades 3, 4, and 5, at proficiency level 2 can write simple notes, make brief journal entries, and write short reports using basic vocabulary and common language structures. They can express ideas in the present, future, and past tenses. Frequent errors are characteristic of this level especially when the students try to express thoughts that require more complex language structures.</p> <p>Standard: LEP3-5.2.10 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Generate ideas with the help of graphic organizers to create a plan for writing. b) Print legibly and begin to make the transition to cursive. c) Space words and sentences. d) Follow an outline provided by the teacher to write brief narrative paragraphs. e) Write a paragraph that supports a central idea with relevant, descriptive details. f) Use basic transition words to connect sentences. g) Begin to revise writing with assistance based on specific feedback. | <p>Writing: Students in grades 3, 4, and 5, at proficiency level 3 can write multi-paragraph compositions, journal entries, personal and business letters, and creative passages. They can present their thoughts in an organized manner that is easily understood by the reader. They show good control of English word structure and of the most frequently used grammatical structures, but errors are still present. They can express complex ideas and use a wide range of vocabulary, idioms, and structures, including the full range of verb tenses.</p> <p>Standard: LEP3-5.3.9 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Begin to create a plan for writing with assistance. b) Write legibly in cursive. c) Write paragraphs, short narratives, simple explanations, and short reports with support. d) Write a series of related paragraphs on the same topic. e) Begin to use transition words to connect sentences. f) Revise and begin to edit writing based on feedback. | <p>Writing: Students in grades 3, 4, and 5, at proficiency level 4 are approaching fluency in writing in the content areas. They are able to use language structures and content vocabulary required for each academic subject, although they may make errors. They begin to use the subtleties of written language and can write for different audiences and purposes. The quality and content of their writing is approaching grade level.</p> <p>Standard: LEP3-5.4.8 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Use a planning strategy before writing. b) Write paragraphs, short narratives, simple explanations, and short reports with limited errors that do not interfere with meaning. c) Write several related paragraphs on the same topic, focusing on specific aspects of the topic. d) Use familiar transition words to connect sentences and paragraphs. e) Begin to edit and revise writing independently and with peers. |

| Grades 3-5 Limited English Proficiency Level 1 Writing | Grades 3-5 Limited English Proficiency Level 2 Writing | Grades 3-5 Limited English Proficiency Level 3 Writing | Grades 3-5 Limited English Proficiency Level 4 Writing |
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| <p>Standard: LEP3-5.1.11 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Recognize basic sentence patterns. b) Use simple present and present progressive verb tenses. c) Identify adjectives. d) Begin each sentence with a capital letter and use ending punctuation in final copies. e) Capitalize names and the word "I." f) Recognize regular singular and plural nouns and pronouns. g) Begin to use apostrophes by following a model. h) Use phonetic spelling. | <p>Standard: LEP3-5.2.11 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Recognize and use basic sentence patterns. b) Use regular past and present verb tenses. c) Begin to use familiar adjectives. d) Begin to use articles such as "the," "a," and "an." e) Use and punctuate declarative, interrogative, and exclamatory sentences. f) Capitalize familiar proper nouns and the word "I." g) Use regular singular and plural nouns and pronouns. h) Begin to use apostrophes in common contractions and singular possessives. i) Use high-frequency sight words with minimal spelling errors. | <p>Standard: LEP3-5.3.10 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Use complete sentences. b) Use regular past, present, and future verb tenses. c) Use adjectives and begin to use familiar adverbs. d) Use articles such as "the," "a," and "an" with minimal errors. e) Capitalize proper nouns and the word "I." f) Use regular and irregular singular and plural nouns and pronouns following a model. g) Use singular possessives. h) Begin to use apostrophes in contractions with pronouns. i) Use correct spelling for high-frequency sight words, including compound words and regular plurals. | <p>Standard: LEP3-5.4.9 The student will edit writing for correct grammar, capitalization, punctuation, and spelling.</p> <ul style="list-style-type: none"> a) Use complete sentences in final copies and begin varying sentence structure. b) Use regular and common irregular past, present, and future verb tenses. c) Incorporate adjectives and adverbs. d) Use conventions of capitalization with minimal errors. e) Use regular and irregular singular and plural nouns and pronouns. f) Use apostrophes in contractions and singular and plural possessives. g) Use correct spelling for majority of words. h) Begin to use commas in a simple series. |

| Grades 6-12 English Language Proficiency Level 1 Oral Language | Grades 6-12 English Language Proficiency Level 2 Oral Language | Grades 6-12 English Language Proficiency Level 3 Oral Language | Grades 6-12 English Language Proficiency Level 4 Oral Language |
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| <p>Below are general descriptions for each of the skill areas for students in grades 6 through 12 at proficiency level 1.</p> <p>Oral Language (Listening and Speaking): Students in grades 6 through 12 at proficiency level 1 can comprehend simple statements and questions. They understand the general idea of basic messages and conversations. Additionally, students at proficiency level 1 can comprehend language consisting of basic vocabulary and grammatical structures in face-to-face conversations. Students at proficiency level 1 can initiate and respond to basic statements and engage in basic face-to-face conversations with more fluent speakers. Frequent errors are characteristic of language production as this stage.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 6 through 12 at proficiency level 2.</p> <p>Oral Language (Listening/Speaking): Students in grades 6 through 12 at proficiency level 2 can comprehend short conversations on simple topics. They can understand frequently used verb tenses and word-order patterns in simple sentences. They can demonstrate a detailed understanding of short conversations and messages but only have a general understanding of longer conversations and messages. Students at proficiency level 2 can initiate and sustain a conversation, although they often speak with hesitation and rely on a known vocabulary. They typically use the more common verb tense form (present, past, and future), but may make numerous errors in tense formation and proper selection of verbs. They can express some details and nuances by using appropriate modifiers. They can use word order accurately in simple sentences, but may make errors when using complex patterns. Extended communication is typically a series of short, familiar structures. They can use word order accurately in simple sentences, but may make errors that interfere with meaning.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 6 through 12 at proficiency level 3.</p> <p>Oral Language (Listening and Speaking): Students in grades 6 through 12 at proficiency level 3 can understand standard speech delivered in most settings, given some repetition and rewording. They can understand the main ideas and relevant details of extended discussions or presentations. They draw on a wide range of language forms, vocabulary, idioms, and structures. They can comprehend many subtle nuances, given repetition and/or rephrasing. Students at proficiency level 3 are beginning to detect affective undertones, and they understand inferences in spoken language. They can communicate orally in most situations. They may have difficulty producing complex sentence structure, using verb tenses correctly, and discussing academic topics in-depth without prior preparation. They can engage in extended conversations on a broad range of topics. They have mastered basic sentence structure and verb tenses and are beginning to use more complex structures in speaking and writing. Errors are characteristic especially when the students try to use more complex structures.</p> | <p>Below are general descriptions for each of the skill areas for students in grades 6 through 12 at proficiency level 4.</p> <p>Oral Language (Listening/Speaking): Students in grades 6 through 12 at proficiency level 4 can understand most standard speech in both academic and social settings. They can understand and identify the main ideas and relevant details of discussions or presentations on a wide range of topics, including unfamiliar ones. Proficiency level 4 students are able to understand the nuances in meaning represented by variations in stress, intonation, pace, and rhythm. They can engage in most communicative situations with minimal errors. They have a high degree of fluency and accuracy when speaking, although with some language forms they may make errors that do not interfere with meaning, and they lack the content area vocabulary possessed by their native English-speaking peers. Some errors may interfere with meaning.</p> |

| Grades 6-12 English Language Proficiency Level 1 Oral Language | Grades 6-12 English Language Proficiency Level 2 Oral Language | Grades 6-12 English Language Proficiency Level 3 Oral Language | Grades 6-12 English Language Proficiency Level 4 Oral Language |
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| <p>LEP6-12.1.1 The student will demonstrate growth in the use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to a variety of literary forms, including stories and poems. b) Ask and respond to questions using phrases and/or simple sentences. c) Express ideas orally in complete sentences with errors that may interfere with meaning. d) Begin to discriminate between spoken sentences, words, and syllables. e) Recognize vocabulary and structures necessary to participate in everyday classroom routines. | <p>LEP6-12.2.1 The student will demonstrate growth in the use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to and respond to a variety of media, using phrases and short sentences with some errors that may interfere with meaning. b) Express ideas in increasingly complex sentences on a central topic. c) Demonstrate understanding of and use of complex sentence structures. | <p>LEP6-12.3.1 The student will demonstrate growth in the use of oral language structure.</p> <ul style="list-style-type: none"> a) Listen to and respond to a variety of media identifying key concepts and supporting details. b) Express ideas in a logical order or around a central topic. c) Speak at a natural rate using appropriate volume and pitch. d) Begin to choose vocabulary and tone appropriate to audience, topic, and purpose. e) Use oral language to inform and to gain information. f) Recognize non-verbal communication. | <p>LEP6-12.4.1 The student will demonstrate growth in the use of oral language structure.</p> <ul style="list-style-type: none"> a) Demonstrate understanding and use increasingly complex sentence structure. b) Express ideas in logical order and around a central topic. c) Speak clearly, use appropriate volume and pitch, and rate, as well as appropriate non-verbal communication skills. d) Use grammatically correct language and specific vocabulary with minimal errors to communicate ideas. e) Use simple figurative language and common idiomatic expressions. f) Begin to apply and interpret verbal and non-verbal communication. |

| Grades 6-12 English Language Proficiency Level 1 Oral Language | Grades 6-12 English Language Proficiency Level 2 Oral Language | Grades 6-12 English Language Proficiency Level 3 Oral Language | Grades 6-12 English Language Proficiency Level 4 Oral Language |
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| <p>LEP6-12.1.2 The student will use and expand vocabulary.</p> <ul style="list-style-type: none"> a) Use words to describe/name people, places, things and actions with some errors in word order. b) Recognize regular singular and plural nouns. c) Begin to recognize and use antonyms and synonyms. d) Follow one-step and two-step directions. e) Give one-step directions on familiar topics. <p>LEP6-12.1.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Listen and speak in conversations with peers and adults. b) Begin to participate in small group discussions about books and specific topics across content areas. c) Recognize and begin to use appropriate voice level, phrasing, and intonation. d) Follow and restate simple directions. e) Create simple oral stories to share with others. f) Retell basic information shared orally by others. g) Begin to listen for key details. | <p>LEP6-12.2.2 The student will use and expand vocabulary.</p> <ul style="list-style-type: none"> a) Talk about experiences using specific vocabulary and descriptive words. b) Ask for clarification of words and ideas. c) Ask and respond to how and why questions. d) Follow multi-step directions. e) Give multi-step directions. <p>LEP6-12.2.3 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Participate in conversations with peers and adults. b) Share stories or information orally with an audience. c) Use appropriate voice level, phrasing, and intonation. d) Restate and execute multi-step directions. e) Present ideas sequentially around a central topic. f) Retell what is heard with some added details or examples. g) Listen to and record some basic details. h) Ask and answer questions using words, phrases and simple sentences across content areas. | <p>LEP6-12.3.2 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Participate in small group discussions. b) Listen to oral presentations and ask relevant questions. c) Speak clearly with limited errors that may interfere with meaning using appropriate volume and rate. d) Identify appropriate presentation skills. e) Organize ideas appropriate for the topic and purpose with assistance. f) Retell what is heard with added details and opinions. g) Listen to and record basic information and concepts. h) Respond to audience questions and comments. | <p>LEP6-12.4.2 The student will build oral communication skills in social and academic settings.</p> <ul style="list-style-type: none"> a) Participate and contribute to large group or class discussions. b) Present oral reports using content-related information and vocabulary. c) Apply appropriate presentation skills with some consistency. d) Speak clearly, use appropriate volume and pitch, and rate, as well as effective non-verbal communication. e) Organize and present ideas appropriate for the topic and purpose. f) Begin to paraphrase what is heard. |

| Grades 6-12 English Language Proficiency Level 1 Oral Language | Grades 6-12 English Language Proficiency Level 2 Oral Language | Grades 6-12 English Language Proficiency Level 3 Oral Language | Grades 6-12 English Language Proficiency Level 4 Oral Language |
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| <ul style="list-style-type: none"> h) Demonstrate basic comprehension of oral presentations by answering factual questions. i) Communicate basic needs and wants. <p>LEP6-12.1.4 The student will hear, say, and manipulate phonemes. Separate one-syllable words into sounds.</p> <ul style="list-style-type: none"> a) Identify orally words that rhyme. b) Group words according to shared beginning or ending sounds. c) Blend sounds to make words or syllables. d) Divide words into syllables. | <ul style="list-style-type: none"> i) Ask for clarification. j) Use interviewing techniques to gain information. k) Describe preferences and opinions with increasingly complex vocabulary and sentence structure. | <ul style="list-style-type: none"> i) Begin to use persuasive language to present views. j) Ask and answer questions to clarify. k) Begin to distinguish between fact and opinion. | <ul style="list-style-type: none"> g) Summarize and record key information and concepts. h) Respond to audience questions and comments. i) Use oral language to inform and persuade. j) Begin to ask and answer explicit questions to elaborate and clarify. k) Begin to compare and contrast viewpoints. l) Ask and respond to questions across content areas. |

| Grades 6-12 English Language Proficiency Level 1 Reading | Grades 6-12 English Language Proficiency Level 2 Reading | Grades 6-12 English Language Proficiency Level 3 Reading | Grades 6-12 English Language Proficiency Level 4 Reading |
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| <p>Reading: Students in grades 6 through 12 at proficiency level 1 can understand basic material. They can understand the general message of basic reading passages that contain simple language structures and syntax. Students at proficiency level 1 rely on visual cues and prior knowledge or experience with the topic. Comprehension is limited to simple language containing high-frequency vocabulary and predictable grammatical patterns. Students at proficiency level 1 are beginning to use reading strategies to guess the meaning of unfamiliar words through the use of visual cues, diagrams, cognates, and text content.</p> <p>LEP6-12.1.5 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Use prior knowledge to interpret words. b) Match pictures with their written form. c) Use titles and pictures to read unfamiliar words. d) Use knowledge of the story and topic to read unfamiliar words. e) Use knowledge of sentence structure to identify the meaning of unfamiliar words. | <p>Reading: Students in grades 6 through 12 at proficiency level 2 can understand basic narrative text and authentic materials. They can use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions, and structures. They can comprehend passages written in basic sentence patterns, but they frequently have to guess at the meanings of more complex materials. They begin to make informed guesses about meaning from context. They can begin to identify the main idea and supporting details of passages.</p> <p>LEP6-12.2.4 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Set a purpose for reading with assistance. b) Use context to determine meanings of words and phrases c) Use knowledge of sentence structure to comprehend text. d) Use knowledge of common prefixes and suffixes to read text. e) Use knowledge of common contractions and singular possessives. f) Identify antonyms, synonyms. | <p>Reading: Students in grades 6 through 12 at proficiency level 3 can comprehend the content of many texts independently. They still require support in understanding texts in the academic content areas. They have a high degree of success with factual information in non-technical prose. They can read many literature selections for pleasure. They can separate main ideas from supporting ones. They can begin to analyze reading passages written at a level appropriate for the general public. They can use the context of a passage and prior knowledge to increase their comprehension. They can detect the overall tone and intent of text.</p> <p>LEP6-12.3.3 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Use a purpose to guide reading. b) Ask and answer questions about what is read. c) Use context to clarify meanings of unfamiliar words. d) Use knowledge of root words, prefixes and suffixes. | <p>Reading: Students in grades 6 through 12 at proficiency level 4 understand and obtain meaning from a wide range of texts. They use the same reading strategies as their native English-speaking peers to derive meaning from text. They are approaching grade-level mastery of the language structures and vocabulary necessary for understanding academic content and subject area texts.</p> <p>LEP6-12.4.3 The student will use meaning clues and language structure when reading.</p> <ul style="list-style-type: none"> a) Begin to use context, sentence and text structures to determine meaning of unfamiliar words and phrases. b) Begin to recognize analogies and language such as idioms, similes, metaphors, and personification. c) Begin to use knowledge of text structures to aid comprehension. |

| Grades 6-12 English Language Proficiency Level 1 Reading | Grades 6-12 English Language Proficiency Level 2 Reading | Grades 6-12 English Language Proficiency Level 3 Reading | Grades 6-12 English Language Proficiency Level 4 Reading |
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| <p>LEP6-12.1.6 The student will incorporate reading strategies to comprehend text.</p> <ul style="list-style-type: none"> a) Preview the front and back cover and title page of a book to gain information and make predictions. b) Track words from left to right and top to bottom on a page. c) Use visual cues to make predictions. d) Respond to who, when, and where questions. e) Begin to use graphic organizers to show an understanding of text. f) Begin to self-correct. <p>LEP6-12.1.7 The student will read and demonstrate comprehension of a variety of fiction, narrative nonfiction, and poetry.</p> <ul style="list-style-type: none"> a) Answer simple, factual questions about what is read. b) Create a simple written response that shows comprehension of a selection. c) Identify characters and setting. | <p>g) Use knowledge of simple abbreviations in personal titles, days of the week and months.</p> <p>LEP6-12.2.5 The student will incorporate reading strategies to comprehend text.</p> <ul style="list-style-type: none"> a) Use titles and headings to make predictions. b) Complete graphic organizers to show an understanding of text. c) Answer who, what, when, where, why, and how questions. d) Retell what is read with some added details. <p>LEP6-12.2.6 The student will read and demonstrate comprehension of a variety of fiction, narrative nonfiction, and poetry.</p> <ul style="list-style-type: none"> a) Answer factual questions about what is read with some added details. b) Identify characters, setting, and plot. c) Identify major points in text. d) Categorize information from nonfiction and informational text. | <p>LEP6-12.3.4 The student will incorporate reading strategies to comprehend text.</p> <ul style="list-style-type: none"> a) Use a purpose to guide reading. b) Ask and answer who, what, when, where, why, and how questions. c) Take brief notes during reading to guide comprehension. d) Begin to formulate questions that might be answered in the selection. e) Retell what is read with added details and opinions. <p>LEP6-12.3.5 The student will read and demonstrate comprehension of a variety of fiction, narrative nonfiction, and poetry.</p> <ul style="list-style-type: none"> a) Identify author's purpose. b) Identify and describe characters, setting, plot. c) Identify the topic or main idea of text. d) Summarize major points in text. | <p>LEP6-12.4.4 The student will incorporate reading strategies to comprehend text.</p> <ul style="list-style-type: none"> a) Begin to draw on prior knowledge and knowledge of text structure to understand selections. b) Identify author's purpose. c) Ask and answer questions about what is read. d) Take notes or create a basic outline during reading. e) Locate information to answer questions and support conclusions. f) Begin to paraphrase what is read. <p>LEP6-12.4.5 The student will read and demonstrate comprehension of a variety of fiction, narrative nonfiction, and poetry.</p> <ul style="list-style-type: none"> a) Demonstrate comprehension of a variety of literary forms including poetry, drama, informational text, and narrative text. b) Begin to make connections between previous experiences or previously learned concepts and reading selections. |

| Grades 6-12 English Language Proficiency Level 1 Reading | Grades 6-12 English Language Proficiency Level 2 Reading | Grades 6-12 English Language Proficiency Level 3 Reading | Grades 6-12 English Language Proficiency Level 4 Reading |
|---|--|---|---|
| <ul style="list-style-type: none"> d) Recognize beginning, middle, and end of selections. e) Recognize the format of poetry versus prose. | <ul style="list-style-type: none"> e) Identify main idea of a selection. f) Locate information to answer questions. g) Identify cause and effect relationships in text. | <ul style="list-style-type: none"> e) Begin to compare and contrast characters, setting, and events in fictional selections. f) Create simple cause and effect statements about text following a model. g) Locate information to answer questions and/or support a conclusion. | <ul style="list-style-type: none"> c) Make and confirm predictions. d) Identify the main idea and supporting details of reading selections. e) Begin to summarize text. f) Begin to compare and contrast characters, setting, and events in fictional selections. g) Distinguish between fact and opinion. h) Recognize character development, setting, plot structure, theme, conflict, and point of view in fictional selections. |

| Grades 6-12 English Language Proficiency Level 1 Writing | Grades 6-12 English Language Proficiency Level 2 Writing | Grades 6-12 English Language Proficiency Level 3 Writing | Grades 6-12 English Language Proficiency Level 4 Writing |
|---|---|--|--|
| <p>Writing: Students in grades 6 through 12 at proficiency level 1 can express basic personal needs and compose short passages on familiar topics. Basic vocabulary and structures in simple sentences and phrases are characteristic of student writing at this level. Errors in spelling and grammar are frequent and characteristic of language production at this stage.</p> <p>LEP6-12.1.8 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Produce simple and compound sentences on a topic. b) Combine simple sentences on a topic. c) Begin to use graphic organizers to organize information. d) Use a variety of common descriptive words. e) Write uppercase and lowercase letters of the alphabet. f) Space words and sentences appropriately. g) Use available technology. | <p>Writing: Students in grades 6 through 12 at proficiency level 2 can write simple notes, make brief journal entries, and write short reports using basic vocabulary and common language structures. They can express ideas in the present, future, and past tenses. Frequent errors are characteristic of this level especially when the students try to express thoughts that require more complex language structures.</p> <p>LEP6-12.2.7 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Write a series of simple paragraphs around a central topic. b) Brainstorm and use graphic organizers to organize information. c) Use familiar adjectives and adverbs for elaboration. d) Use basic transition words to connect sentences. e) Begin to edit and revise writing based on feedback. f) Use complete and varied sentences. g) Revise writing based on specific feedback. | <p>Writing: Students in grades 6 through 12 at proficiency level 3 can write multi-paragraph compositions, journal entries, personal and business letters, and creative passages. They can present their thoughts in an organized manner that is easily understood by the reader. They show good control of English word structure and of the most frequently used grammatical structures, but errors are still present. They can express complex ideas and use a wide range of vocabulary, idioms, and structures, including the full range of verb tenses.</p> <p>LEP6-12.3.6 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Write simple descriptions, narratives, explanations, and short reports around a central idea using an introduction, body and conclusion. b) Use prewriting strategies to generate and organize ideas. c) Use descriptive vocabulary including adjectives and adverbs. d) Begin to use transition words to connect sentences. | <p>Writing: Students in grades 6 through 12 at proficiency level 4 are approaching fluency in writing in the content areas. They are able to use language structures and content vocabulary required for each academic subject, although they may make errors. They begin to use the subtleties of written language and can write for different audiences and purposes. The quality and content of their writing is approaching grade level.</p> <p>LEP6-12.4.6 The student will write to communicate ideas.</p> <ul style="list-style-type: none"> a) Write descriptive paragraphs, narratives, poems, and explanations for a variety of purposes and audiences across content areas with minimal errors that do not interfere with meaning. b) Develop a plan for writing by using a variety of planning strategies. c) Begin to write using a variety of compound, and complex sentences with appropriate transition words. |

| Grades 6-12 English Language Proficiency Level 1 Writing | Grades 6-12 English Language Proficiency Level 2 Writing | Grades 6-12 English Language Proficiency Level 3 Writing | Grades 6-12 English Language Proficiency Level 4 Writing |
|---|--|--|--|
| <p>LEP6-12.1.9 The student will edit writing for correct grammar, capitalization, punctuation, spelling and sentence structure.</p> <ul style="list-style-type: none"> a) Use correct spelling for high-frequency sight words, including compound words and regular plurals. b) Begin each sentence with a capital letter and use ending punctuation in final copies. c) Capitalize names and the word “I”. d) Begin to use apostrophes in contractions and singular possessives. e) Use simple present and present progressive verb tenses. f) Recognize and use basic sentence patterns accurately. g) Use adjective comparisons following a model. h) Use articles such as “the”, “a”, and “an”. i) Recognize regular singular and plural nouns pronouns. | <p>LEP6-12.2.8 The student will edit writing for correct grammar, capitalization, punctuation, spelling and sentence structure.</p> <ul style="list-style-type: none"> a) Use correct spelling for high-frequency words. b) Begin to follow standard rules of capitalization. c) Use apostrophes in contractions and possessive nouns. d) Use past, present, and future tenses. e) Use subject verb agreement with minimal errors. f) Use regular singular and plural nouns and pronouns. g) Use appropriate pronouns. h) Use commas in a simple series. | <ul style="list-style-type: none"> e) Use complete and varied sentences including sentences with compound subjects and prepositional phrases. f) Use adjective comparisons. g) Revise writing for clarity based on feedback. <p>LEP6-12.3.7 The student will edit writing for correct grammar, capitalization, punctuation, spelling and sentence structure.</p> <ul style="list-style-type: none"> a) Use correct spelling for frequently used words. b) Use correct punctuation and capitalization with limited errors. c) Use apostrophes in contractions and singular and plural possessives. d) Use past, present, and future tenses. e) Use noun, pronoun, and antecedent agreement. f) Begin to use comparative and superlative forms of adverbs and adjectives. g) Begin to follow standard rules for comma use. | <ul style="list-style-type: none"> d) Begin to use voice, tone, and word choice. e) Begin to write in a variety of forms including narrative, expository, persuasive, and informational. f) Edit and revise writing independently and with peers. <p>LEP6-12.4.7 The student will edit writing for correct grammar, capitalization, punctuation, spelling, and sentence structure.</p> <ul style="list-style-type: none"> a) Use correct spelling for frequently used words, including common homophones. b) Accurately use conventions of capitalization. c) Use regular and common irregular past, present and future verb tenses. d) Use adjective and adverb comparisons. e) Use regular and irregular singular and plural nouns and pronouns. f) Use commas, quotation marks, and hyphens. |

Board of Education Agenda Item

Item: _____ L. _____

Date: September 27, 2006

Topic: First Review of Updates to the *Student Conduct Policy Guidelines*

Presenter: Dr. Cynthia A. Cave, Director, Office of Student Services

Telephone Number: 804-225-2818

E-Mail Address: Cynthia.Cave@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

_____ Board review required by

_____ X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

The Board of Education's *Student Conduct Policy Guidelines* were first developed in 1994 in response to action by the 1993 General Assembly that required the Board to establish such guidelines, as reflected in § 22.1-279.6 of the *Code*. The guidelines were revised in 2001 and again in 2004 and 2005 to reflect changes in federal and state laws, regulations, and relevant case law. The guidelines are intended to aid school boards in developing and implementing student conduct standards and policies. Local school boards are required to adopt and revise regulations for codes of student conduct that are consistent with, but may be more stringent than, these guidelines.

The 2006 General Assembly made various changes to the *Code of Virginia* by adopting HB 58 (Fralin prior to substitute) HB 347 (Hamilton), HB 1279 (Barlow), HB 1516 (Tata), SB183/HB588 Puller/Watts), SB 561 (Stolle), and SB 656/HB 95 (Rerras/Lewis). These amendments address internet safety, exclusions from age requirements for compulsory school attendance, notification to principals from law-enforcement authorities of commitment by students of certain crimes, possession of firearms, use of a weapon with an exposed blade on school property or within school buildings, or within 1,000 feet of school property, access to juvenile records held by the Department of Juvenile Justice, and provision of information to school personnel about student criminal convictions and delinquency

adjudications at enrollment. The *Virginia Student Conduct Policy Guidelines* have been revised in response to this legislation. In addition, minor edits have been made to the guidelines for clarification.

Summary of Major Elements: The guidelines have been revised to reflect these changes in law, as indicated below.

- HB 58 (Fralin). The amendment to § 22.1-70.2 of the *Code* to require school divisions to add a component on Internet safety for students to acceptable Internet use policies has been referenced, as well as the guidelines to be issued by the Superintendent of Public Instruction for assisting school divisions in responding to this law (page 26).
- HB 347 (Hamilton). Reference in the guidelines has been made to the expansion of the list of persons who may participate in the GED testing program as reflected in amendments to §§ 22.1-233, 22.1-254, and 22.1-254.2 to include: (1) persons 16 years of age or older who have been expelled from school; and (2) persons required by court order to participate in the GED testing program (page 3 and page 10).
- HB 1279 (Barlow). This amendment to § 22.1-279.3:1 of the *Code* requires law enforcement agencies to notify a superintendent, principal, or a designee when a student in one of the division's schools commits certain crimes that would be: (1) felonies if committed by an adult; (2) a violation of the Drug Control Act; or (3) an adult misdemeanor listed in § 22.1-279.3:1 A. The report from law-enforcement authorities shall also include whether the student is released to the custody of his parent, or, if 18 years of age or older, is released on bond. School superintendents receiving the reports must provide the information to the principal of the school in which the student is enrolled. The law is referenced under "Responsibilities of Law Enforcement Agencies" on page 4 of the guidelines.
- HB 1516 (Tata). This bill amended § 22.1-277.07 of the *Code*, and calls for the expulsion for a year of any student who possesses a firearm or destructive device, firearm muffler, or silencer, or pneumatic gun, on school property or at a school-sponsored activity. Previously the *Code* stated bringing these devices onto school property or to a school-sponsored activity as the basis for expulsion. The change is presented under "Expulsions for Weapons-Related Offenses" on page 12 of the guidelines.
- SB 183/HB588(Puller/Watts). The legislation amended § 18.2-282.1 of the *Code* to add that it is a Class 6 felony to point, hold, or brandish a machete, or any weapon with an exposed blade of 12 inches or longer, with the intent of intimidation at an elementary, middle, or high school building or grounds or on public property within 1,000 feet of the school property. The addition to the law is noted in the guidelines on page 25.
- SB 561 (Stolle). Section 16.1-300 of the *Code* governs the confidentiality of Department of Juvenile Justice records. The section has been amended to specify that school administrations are among the entities which may have access to these records with a court order when they have a legitimate interest in the case or the student. This change is noted under "Related Policy Issues" in the guidelines on page 32.
- SB 656/HB95 (Rerras/Lewis). Section 22.1-279.3 of the *Code* has been amended by this legislation to

set forth the responsibility of a parent, guardian, other person having charge of a child, or a social service agency or licensed child-placing agency making a foster care placement, to provide information to a public school at the time of enrollment about the student's criminal convictions or delinquency adjudications for certain offenses. The guidelines have referenced this requirement under "Parental Responsibility" on page 4.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and accept the guidelines for final review.

Impact on Resources:

The impact on resources will be minimal. The guidelines will be disseminated in electronic format. A modest amount will be needed to print a limited number of copies to be made available through the Department of Education.

Timetable for Further Review/Action:

Following review and final approval by the Board of Education, notification will be made to school divisions of the revised guidelines and their availability on the Virginia Department of Education's Web site.

STUDENT CONDUCT POLICY GUIDELINES

2006 Update

**Originally Adopted by the
Virginia Board of Education
September 22, 2004**

Acknowledgments

The Virginia Board of Education's *Student Conduct Policy Guidelines* underwent major revision in content and format in 2004 incorporating numerous changes in state and federal laws and regulations, relevant case law, and emerging best practice principles. The 2004 *Guidelines* were updated in both 2005 and 2006, primarily to incorporate changes in state laws enacted by the General Assembly in the 2005 and 2006 Sessions. The Virginia Board of Education and the Virginia Department of Education express sincere appreciation to members of the 2004 Student Conduct Policy Guidelines Advisory Group who generously contributed their time and expertise to the development of these guidelines.

Members of the 2004 Student Conduct Policy Guidelines Advisory Group

| Representation | Name |
|---|---|
| Assistant Superintendent Support Services | Tony Valentino Hanover County Public Schools |
| Director of Alternative Education and Disciplinary Hearing Officer | Bill Sadler Hanover County Public Schools |
| Safe and Drug-Free Schools Coordinators | Jo Ann Burkholder, Roanoke County Public Schools Clarence Jones, Fairfax County Public Schools |
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| School Discipline Officer | Judy Mahler Newport News City Public Schools |
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I. INTRODUCTION

Background

The Virginia Board of Education's *Student Conduct Policy Guidelines* were first developed in 1994 in response to action by the 1993 General Assembly requiring the Virginia Board of Education to establish such guidelines. In 2004, the *Guidelines* underwent a major revision in response to requirements of § 22.1-279.6. of the *Code of Virginia*, and reflecting numerous changes in state and federal laws and regulations, relevant case law, and emerging best practice principles. The *Virginia Student Conduct Policy Guidelines, 2004*, were originally adopted by the Virginia Board of Education on September 22, 2004. The guidelines were updated in 2005 and in 2006 to incorporate recent changes in state laws and regulations. The guidelines are intended specifically to aid school boards in implementing student conduct policies. Local school boards are required to adopt and revise regulations on codes of student conduct that are consistent with, but may be more stringent than, these guidelines.

Legal Base

Statutory Authority for Guidelines

The Virginia Board of Education is required by law (§ 22.1-279.6. of the *Code of Virginia*) to establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies.

The guidelines and model policies are required to include, but not be limited to the following:

- (i) Criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes
- (ii) Standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, dissemination of such policies to students, their parents, and school personnel
- (iii) Standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

Procedures for suspension and expulsion are to be the minimum procedures that the school board may prescribe.

Section 22.1-279.6.C. requires the Board to establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended.

Also required by § 22.1-279.6. are standards for school board policies on alcohol and drugs and search and seizure, including guidance for procedures relating to voluntary and

mandatory drug testing in schools. *Guidelines Regarding Student Searches in Public Schools* were adopted by the Virginia Board of Education in 1999 and *Guidelines Concerning Student Drug Testing in Virginia Public Schools* were adopted by the Board in 2004. These guidelines can be found on the Virginia Department of Education Web site at <http://www.doe.virginia.gov/VDOE/studentsrvcs/>.

Authority and Duties of School Boards

Standards of Quality

Section 22.1-253.13:7.D.3. of the *Code of Virginia* (part of the section of the Code known as the Standards of Quality) requires local school boards to maintain and follow an up-to-date policy manual that includes “standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.” Local school boards must give consideration to the views of teachers, parents, and other concerned citizens in the development of policies.

School Board Regulations

Section 22.1-78. of the *Code* authorizes local school boards to adopt bylaws and regulations “for its own government, for the management of its official business and for the supervision of schools, including but not limited to the proper discipline of students, including their conduct going to and returning from school.”

Section 22.1-279.6.B. of the *Code* requires local school boards to adopt and revise regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards are required to include procedures for suspension, expulsion, and exclusion decisions, to biennially review student conduct code guidelines, and to include prohibitions against hazing and profane or obscene language or conduct. School boards are authorized to regulate certain communications devices and, at their discretion, require or encourage drug testing.

Section 22.1-279.9. of the *Code* requires school boards, in cooperation with the local law enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community-at-large, to develop programs to prevent violence and crime on school property and at school-sponsored events.

Removal, Suspension and Expulsion of Pupils

Section 22.1-276.2. of the *Code* gives teachers initial authority to remove a student from a class for disruptive behavior and requires all school boards to establish the criteria for teachers to remove disruptive students, requirements for reporting incidents of disruptive behavior, procedures for written notification to a student and the student’s parents, guidelines for alternative assignment and instruction of such students, and procedures for the return of students to class and teacher participation in the decision.

Section 22.1-277. of the *Code* authorizes the suspension or expulsion of pupils “for sufficient cause,” including acts off school property when the acts lead to an adjudication of delinquency, a conviction of certain offenses, or a charge that would be a felony if committed by an adult.

Authorization for short-term suspensions (10 school days or less) and procedures for suspension and for readmission are set forth in § 22.1-277.04. of the *Code*.

Authorization for long-term suspensions (more than 10 school days but less than 365 calendar days) and procedures for suspension and for readmission are set forth in § 22.1-277.05. of the *Code*.

Authorization for expulsion and procedures for expulsion and for readmission are set forth in § 22.1-277.06. Recommendations for expulsion for other than weapons and drug offenses are required to be based on consideration of factors specified in the *Code*, including the nature and seriousness of the violation and the student's disciplinary history.

Section 22.1-277.07. of the *Code* requires school boards to expel students who bring a firearm or other destructive device (defined in the Section) onto school property or to a school-sponsored event in violation of the Gun-Free Schools Act of 1994. School boards are authorized to consider factors listed in § 22.1-277.06. in determining "special circumstances" in particular cases that would justify another disciplinary action.

Section 22.1-277.08. of the *Code* requires school boards to expel students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event. School boards are authorized to consider factors listed in § 22.1-277.06. in determining "special circumstances" in particular cases that would justify another disciplinary action.

Alternative Educational and Intervention Programs

Section 22.1-277.2:1. of the *Code* authorizes school boards to require any student to attend an alternative education program under prescribed circumstances. Procedures to be followed when requiring an alternative education program are also prescribed. It should be noted that alternative education programs are authorized but not required by the *Code* to be established.

In its 2006 Session, the General Assembly added to the list of persons who may participate in the GED testing program to include (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program (Section 22.1-254.2.A.6. and 7.).

School boards may require any student who has been found in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

Legal Responsibilities of Others

Role of the Principal and School Administration

The Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210.A., states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." Section B.2.

specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment." Section 8 VAC 20-131-260.C.3., requires a school administration to ensure "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

Parental Responsibility

Section 22.1-279.3. of the *Code of Virginia* sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance. Procedures are set forth for notifying parents of their responsibilities, documenting the notification, and taking steps against parents for willful and unreasonable refusal to participate in efforts to improve their child's behavior or school attendance. Each parent of a student must sign a statement acknowledging the receipt of the school board's standards of student conduct and return it to the school.

Section 22.1-3.2.A.and B. of the *Code of Virginia* requires a parent or guardian to provide a public school, upon registration of a student, information concerning criminal convictions or delinquency adjudications for any offense listed in subsection G of § 16.1-260. These include homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, or distribution of Schedule I or II controlled substances or marijuana, arson, burglary and robbery, prohibited street gang activity, and recruitment for street gang activity. When the school registration results from foster care placement, the information is to be furnished by the local social services agency or licensed child-placing agency that made the foster care placement. This requirement was added by the 2006 General Assembly.

Responsibilities of Law Enforcement Agencies

Section 22.1-279.3:1.B. of the *Code of Virginia* requires law enforcement agencies to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult or a violation of the Drug Control Act, or an adult misdemeanor as listed in § 22.1-279.3:1.A. and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. It further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection § 16.1-260 to report the information to the principal of the school in which the juvenile is enrolled. Requirements for law enforcement agencies to report the release status of the student and for school superintendents to inform principals were added by the 2006 General Assembly.

Reports to Law Enforcement Agencies

Section 22.1-279.3:1.A. of the *Code of Virginia* lists certain offenses that school officials are required to report to local law-enforcement agencies. Additional information about this requirement and a list of reportable offenses are on page 31 of these guidelines.

II. STUDENT CONDUCT POLICY GUIDELINES

Elements of Student Conduct Policy

School board policies on student conduct should address certain basic elements including the following:

1. Statement of purpose and intent and/or philosophy
2. Roles and responsibilities for student conduct policy
3. Relationship to related policies and regulations
4. Disciplinary action criteria, procedures, and processes
5. Policy for the development, dissemination and periodic review of standards of student conduct
6. Training of school personnel
7. Standards for student conduct

Described below are each of the basic elements listed with corresponding sample policy statements. Section 22.1-279.6.B. of the *Code* requires local school boards to adopt and revise regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board of Education.

1. Purpose and Intent; Philosophy

Local school board policy on student conduct should include a statement of purpose and intent consistent with Virginia law. Examples of statutory language are as follows:

- The Standards of Quality (§ 22.1-253.13.7.D.3.) require standards and procedures “designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.”
- Section 22.1-279.3. sets forth parental responsibility and involvement requirements “in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.”
- Section 22.1-279.6. of the *Code* makes reference to incorporating discipline options and alternatives “to preserve a safe, non-disruptive environment for effective teaching and learning.”

Sample Statements of Purpose and Intent

- The development, implementation, and enforcement of the student conduct policy is intended to ensure a safe, non-disruptive environment for effective teaching and learning.
- Standards of student conduct are designed to protect the health, safety and welfare of students.
- It is the belief of the (name of school board) that all students have the right to an environment that is safe, drug-free, and conducive to learning. To that end, the student conduct policy sets forth standards for student conduct.
- The primary objectives of the standards of student conduct are (1) to provide standards and guidelines for student behavior; (2) to assist the student in becoming a responsible, productive, and self-disciplined citizen; and (3) to maintain a safe and orderly environment in the classroom and all other areas of the school.

2. Roles and Responsibilities

Local school board policies should clearly define the roles and responsibilities of the school board, the superintendent, principals, teachers, and other staff with responsibility for enforcement of student conduct standards. Information about the duty of parents to assist the school in enforcing the standards of student conduct and compulsory school attendance also is appropriate to be included. A general statement about student rights and responsibilities also may be included, particularly when the local standards of student conduct articulate student rights and responsibilities related to specific conduct.

Sample Statement on Roles and Responsibilities

School board members, school personnel, parents, and students share the responsibility to create and maintain a school environment that is safe and conducive to learning. It is the responsibility of the School Board to adopt policies and regulations. The superintendent has responsibility to issue standards of student conduct including a list of corrective disciplinary actions for violation of the standards. The school principal has responsibility to enforce the student conduct standards using reasonable judgment. Each parent has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance. Students are expected to attend school regularly and to demonstrate good citizenship, enjoying the rights and fulfilling responsibilities set forth in the student conduct standards.

3. Relationship to Existing Policies

The relationship of the student conduct policy to other related local policies, rules, and regulations should be explicitly stated. Other related local policies may include, but are not limited to, those governing student searches, drug testing, attendance, and discipline of students with disabilities. Relevant sources such as federal and state regulations and guidance may be cross-referenced. A list of such regulations, guidelines, and credible resource publications and sources is included as Appendix D.

4. Disciplinary Action: Criteria, Procedures, and Processes

Teacher Removal of a Student from Class

Local school board policy should cite the initial authority of teachers to remove a student from a class for disruptive behavior and, in accordance with § 22.1-276.2. of the *Code*, is required to establish the following:

1. Criteria for teachers to remove disruptive students from their classes
2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class
3. Procedures for the written notification of a student and the student's parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease
4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals
5. Procedures for the return of students to class, for teacher participation in any decision by the principal to return a student to the class from which the student has been removed, and for the resolution of any disagreements between the principal and teacher regarding the return.

"Disruptive behavior" is defined in § 22.1-276.01. of the *Code* as conduct that interrupts or obstructs the learning environment.

Sample Statement on the Removal of a Student from Class

Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:

- 1) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
- 2) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
- 3) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.
- 4) Written notice of the student's behavior and removal from class is given to the parent by the teacher.

Short-term Suspensions

"Short-term suspension" is defined in § 22.1-277.04. of the *Code* as any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days.

A local school board policy should cite the authority to suspend a student, and include procedures for notice to the student, reporting to the parent and division superintendent, review upon petition, and for appeal consistent with § 22.1-277.04. of the *Code*. School boards may prescribe in regulation whether appeals of short-term suspensions may be made to the school board, a committee thereof, or to the division superintendent or his designee. "Superintendent's designee" is defined in § 22.1-276.01.B. as a "(i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee."

A school board policy must require, in accordance with § 22.1-277.04. of the *Code*, that any oral or written notice to the parent of a student suspended from school for not more than 10 school days include the following:

- The length of the suspension,
- Information regarding the availability of community-based educational programs, alternative education programs or other educational options, and
- The student's right to return to regular school attendance upon the expiration of the suspension.

A school board may include a statement specifying that the costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, is the responsibility of the parent of the student. A decision of the division superintendent or designee may be appealed to the school board or its committee, in accordance with local school board regulations.

Sample Statement on Short-Term Suspension

A student may be suspended out-of-school for violations of the *Code of Conduct*. For out-of school suspensions of 10 days or less, the school administrator shall inform the student of the specific violation and provide the student with opportunities to respond to the charges. The student may present the student's version of what occurred. When the school suspends a student, the school shall 1) notify the student of the right to appeal; 2) make a reasonable effort to notify the student's parent of the suspension, inform the parent that a copy of the rules governing suspensions and the procedures for appeal are being sent home with the student, and make arrangements for the student's return home; and 3) send written notification to the parent informing the parent of the suspension, of its reason, the length of the suspension, the right to appeal, the student's right to return to school, and any conditions for that return.

Long-term Suspensions

"Long-term suspension" is defined in § 22.1-277.05. of the *Code* as any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

A local school board policy should cite the authority to suspend a student and establish procedures for written notice to the pupil and parent of the action, its reason, and right to appeal in accordance with § 22.1-277.05. of the *Code of Virginia*. A school board may prescribe in regulation whether appeals of long-term suspensions may be to the school board, a committee thereof, or the division superintendent or his designee. If regulations provide for a hearing by the superintendent or designee, the regulations must provide for an appeal of the decision to the full school board and such an appeal must be decided by the school board within thirty days. If the regulations provide for a hearing by a committee of the school board, the regulations must provide that the committee may confirm or disapprove the suspension of a student. The committee must be composed of at least three members and, if the committee's decision is not unanimous, the pupil or the pupil's parent may appeal the committee's decision to the full school board. Such an appeal must be decided by the school board within thirty days.

School board policy must require that the written notice of a suspension for more than ten days include the following:

- The length of the suspension
- Information concerning the availability of community-based educational, alternative education, or intervention programs
- The student's eligibility to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension.

A school board may include a statement specifying that the costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, is the responsibility of the parent of the student.

School board policy may permit or require students suspended for more than 10 days to attend an alternative education program provided by the school board for the term of the suspension in accordance with procedures set forth in § 22.1-277.2:1. of the *Code*. Alternative education programs are authorized but not required to be established.

Sample Statement on Long-Term Suspension

A student may be suspended for more than 10 days following a hearing before a hearing officer designated by the superintendent. For certain offenses, a student may be suspended for the remainder of the semester or the school year. The school administration may determine that transfer to another school serves the best interest of the student and the school.

The discipline committee of the school board may confirm or disapprove the suspension of a student. A hearing shall be held before the discipline committee within ten days of the date of notice from the principal. If the decision of the three-member committee to uphold the suspension is unanimous, there is no right of appeal. If, however, the decision of the committee is not unanimous, the student and his/her parent/guardian may appeal the decision to the full board.

When a student is placed on long-term suspension, written notice of the suspension shall be sent in accordance with state law.

Expulsions

"Expulsion" is defined in § 22.1-277.06. of the *Code of Virginia* as "any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion."

A local school board policy should cite the authority to expel a student and establish the procedures for written notice to the pupil and parent of the action, its reason, and right to a hearing and confirmation in accordance with § 22.1-277.06. of the *Code* and with regulations of the school board. A school board may prescribe in regulation whether the hearing is before the school board or a committee thereof. If the regulations provide for a hearing by a committee of the school board, the regulations must also provide that the committee may confirm or disapprove the expulsion. The committee must be composed of at least three members and, if the committee's decision is not unanimous, the pupil or pupil's parent may appeal the committee's decision to the full school board. Such an appeal must be decided by the school board within thirty days. School board policy must also provide for confirmation or disapproval of a proposed expulsion by the school board or a committee thereof, regardless of whether the pupil exercises the right to a hearing.

The school board policy must require, in accordance with § 22.1-277.06. of the *Code*, that the written notice of expulsion include the following:

- The length of the expulsion
- Information to the parent of the student concerning the availability of community-based educational, training, and intervention programs
- Whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion
- A notice advising that the student may petition the school board for readmission to be effective one calendar year from the date of the student's expulsion, if the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division
- The terms and conditions, if any, under which readmission may be granted

A school board may include a statement specifying that the costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, is the responsibility of the parent of the student.

School board policy may permit or require students expelled to attend an alternative education program provided by the school board for the term of the expulsion in accordance with procedures set forth in § 22.1-277.2:1. of the *Code*. Alternative education programs are authorized but not required to be established. In its 2006 Session, the General Assembly added to the list of persons who may participate in the GED testing program (i) those persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program (Section 22.1-254.2.A.6. and 7.).

A school board must establish, by regulation, a schedule by which pupils who have been expelled may apply and reapply for readmission to school. The schedule must be designed to ensure that the hearing or ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. Some school divisions develop an individualized plan or contract for expelled students specifying conditions the student must meet for readmission and actions the student has agreed to take to meet the conditions.

Recommendations for expulsion for other than weapons- and drug-related violations (specified in §§ 22.1-277.07. and 22.1-277.08. of the, *Code of Virginia*) are required to be based on a consideration of factors listed below, as provided in § 22.1-277.06.C.

1. The nature and seriousness of the violation
2. The degree of danger to the school community
3. The student's disciplinary history, including the seriousness and number of previous infractions
4. The appropriateness and availability of an alternative education placement or program
5. The student's age and grade level
6. The results of any mental health, substance abuse, or special education assessments
7. The student's attendance and academic records
8. Other matters as deemed to be appropriate

It should be noted that no decision to expel a student may be reversed on the grounds that the above factors were not considered. These factors may be considered by a school board as "special circumstances" in cases involving weapons- and drug-related violations when determining whether a pupil will be provided an alternative educational placement.

Sample Statement on Expulsion

A student may be expelled only by action of the school board or a disciplinary committee of the school board based on the recommendation of the principal and the superintendent.

In the case of a recommendation for expulsion by the principal, the superintendent or his designee shall conduct a review of the recommendation. The review shall take into account the following factors:

1. The nature and seriousness of the violation
2. The degree of danger to the school community
3. The student's disciplinary history, including the seriousness and number of previous infractions
4. The appropriateness and availability of an alternative education placement or program
5. The student's age and grade level
6. The results of any mental health, substance abuse, or special education assessments
7. The student's attendance and academic records
8. Such other matters as deemed to be appropriate.

Sample Statement on Expulsion (continued)

If the superintendent/designee upholds the recommendation, a hearing shall be held before the discipline committee within 10 days of the date of notice from the principal. If the decision of the three-member committee to uphold the expulsion is unanimous, there is no right of appeal. If, however, the decision of the committee is not unanimous, the student and his/her parent or guardian may appeal the decision to the full board.

When a student is expelled, written notice of the expulsion shall be sent in accordance with state law. The superintendent or his designee shall establish a schedule by which pupils who have been expelled may apply and reapply for readmission to school.

Expulsions for Weapons-Related Offenses

School board policy, in accordance with § 22.1-277.07. of the *Code of Virginia*, must provide for the mandatory expulsion for a period of not less than one year (365 days) of any student determined to **possess have brought a firearm, destructive device, a firearm muffler or firearm silencer, or a pneumatic gun onto school property or to at a school-sponsored activity**. Definitions of "firearm," "destructive devices," and "pneumatic gun" are set forth in § 22.1-277.07.E. of the *Code*, and are consistent with the federal Gun-Free Schools Act. A copy of this Act is included as Appendix E. This prohibition does not apply to Junior Reserve Officers Training Corps (JROTC) programs or to the possession of firearms as part of the curriculum or other programs sponsored by the schools or other organization permitted by the school to use its premises. **Note that the 2006 General Assembly clarified the offense as possession; previous law referred to "bringing" such firearms and devices to school.**

A school board may establish policies and promulgate related guidelines for determining whether "special circumstances" exist that would allow for no disciplinary action or another disciplinary action, based on the facts of a particular situation. A school board may, by regulation, authorize the division superintendent or designee to conduct a preliminary review of such cases.

A school board policy may permit or require students expelled for weapons-related offenses to attend an alternative education program provided by the school board for the term of the expulsion.

Sample Statement on Expulsion for Weapons-Related Offense

Any student determined to be in possession of or to have brought any prohibited weapon onto school property or to a school-sponsored activity shall be expelled for a period of not less than one year (365 days). However, the school board may determine, based on the facts of a particular case, that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The division superintendent may conduct a review in such cases to determine whether a disciplinary action other than expulsion is appropriate, and recommend that action to the school board for final determination.

Expulsions for Drug-Related Offenses

A school board policy, in accordance with § 22.1-277.08. of the *Code of Virginia*, must provide for the mandatory expulsion for a period of not less than one year of any student determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § 18.2-247. onto school property or to a school-sponsored activity.

“One year” is defined as 365 days as required in federal regulation.

A school board may establish policy and promulgate related guidelines for determining whether "special circumstances" exist that would allow for no disciplinary action or another disciplinary action, based on facts of a particular situation. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases.

School board policy may permit or require students expelled for drug-related offenses to attend an alternative education program provided by the school board for the term of the expulsion.

Sample Statement on Expulsion for Drug-Related Offense

Any student determined to have distributed or manufactured a controlled substance including anabolic steroids or prescription drugs, an imitation controlled drug, or other prohibited substance on school property or at a school-sponsored activity shall be expelled for a period of not less than one year. However, the school board may determine, based on the facts of a particular case, that special circumstances exist and another disciplinary action or term of expulsion is appropriate. The division superintendent may conduct a review in such cases to determine whether a disciplinary action other than expulsion is appropriate, and recommend that action to the school board for final determination.

Suspensions or Expulsions of Students with Disabilities

Local school board policy should specify, at a minimum, that suspensions and/or expulsions of students with disabilities will be in compliance with state regulations and federal law. Reference may be made to *Regulations Governing Special Education Programs for Children with Disabilities* (2002) that are available from the Virginia Department of Education Web site at <http://www.doe.virginia.gov/VDOE/dueproc/>. Additional information on students with disabilities is included in Appendix B.

Admission of Students Suspended or Expelled from Another School Division or a Private School

Section 22.1-277.2. of the *Code* authorizes the exclusion of a student suspended or expelled from another school division or a private school upon a finding that the student presents a danger to the other students or staff of the school division. This action is permitted after:

- (i) Written notice to the student and student's parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, the right to appeal the decision at a hearing before the school board or a committee thereof; and
- (ii) Review of the case by the division superintendent or designee and a recommendation of exclusion.

In cases where the suspension is for more than 30 days, the term of the exclusion may not exceed the duration of such suspension.

In cases of expelled students, the local school board may accept or waive any or all of any conditions for readmission imposed upon such a student by the expelling school board, but may not impose additional conditions for readmission to school.

A school board policy should cite the authority to exclude such students and establish procedures in accordance with § 22.1-277.2. of the *Code*. A school board may, but is not required, to permit students excluded to attend an alternative education program provided by the school board for the term of such exclusion.

Sample Statement for Admission of Students Suspended or Expelled from Another School Division

A student who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of expulsion or withdrawal of admission, and in the case of suspension of more than 30 days, for not longer than the duration of such suspension. The school shall provide written notice to the student and his or her parent of the reasons for such possible exclusion and of the right to a hearing conducted by the division superintendent. The student may not attend school until a review of the case is conducted by the division superintendent. Exclusion shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude the student shall be final unless altered by the school board after timely written petition. Upon the expiration of the exclusion, the student may petition the division superintendent for admission.

5. Policy for Development, Dissemination and Periodic Review of Student Conduct Standards

Policy Development and Review

A school board policy should provide for the systematic review and update of existing policies, related regulations, and student conduct standards on an annual basis. The policy review process should involve, at a minimum, school board counsel, administrators most directly involved with student discipline (e.g., disciplinary hearing officer), and representatives of school-based administrators, teachers, students, and parents. Consultation with law enforcement and juvenile court officials and with other community agencies can be very beneficial.

The review should examine not only relevant statutory and case law and regulations, but also consider the policy and programmatic implications of local discipline data. This type of comprehensive review has been demonstrated to yield information useful in updating policy and in improving the effectiveness of its implementation. A comprehensive review also can be helpful in designing effective in-service training on student conduct policies for administrators and other staff.

Sample Statement on Review and Revision of Standards of Student Conduct

An annual evaluation of the *Standards of Student Conduct* will be conducted within a month of the close of school. Revision, if necessary, will be completed prior to the opening of the next school year.

Dissemination of Standards

Local school boards must provide written copies of the school board's standards of student conduct to students, parents of enrolled students, and school personnel. The format for written dissemination should be one that is understandable to students, parents, and school personnel and may include, but not be limited to, statements of student rights and responsibilities, rules of conduct, and disciplinary procedures. School boards in localities with substantial numbers of non-English-speaking populations may require the translation of the standards and related materials.

Student conduct standards may be published as a simple, stand-alone document or as part of a more lengthy, comprehensive handbook. School boards should determine the format and content most suited to local need. Some school divisions have included letters from local juvenile judges stating court positions on such matters as parent responsibilities, school attendance, and student conduct. A glossary may be included to aid understanding of terminology. Some school divisions have developed separate documents detailing due process procedures that are given to pupils when disciplinary action is taken against them.

Dissemination procedures may include student and faculty orientations and other activities designed to ensure that each student has an opportunity to become familiar with the conduct standards. Some school divisions require classroom teachers to review standards with their students and others administer quizzes to assess student understanding of rules and consequences. Appropriate adaptations should be employed for students with disabilities. Procedures should address also the dissemination of standards to students who enroll after the beginning of the school year and to their parents.

Sample Statement on Distribution of Standards of Student Conduct

A copy of the *Standards of Student Conduct* will be issued to all students within one month of the opening of school. All transfer students will be issued a copy of the *Standards* as a part of the registration process. Principals will stress to all students that compliance with the Standards is mandatory. The "Acknowledgment of Parent Responsibility" form must be signed by the parent or guardian and returned to the school.

Each year, during the first week of school, all students will be provided a period of instruction on the contents of the *Standards of Student Conduct*. This instruction will be followed by an assessment appropriate to the student's grade level.

6. In-Service Training of School Personnel

Effective training of administrators and other staff with responsibility for implementation of student conduct policy is critical. Such training should be designed to include, but not be limited to, the following:

- Purpose and intent of student conduct policy
- Specific staff roles and responsibilities for implementing student conduct policy
- Standards for student conduct
- Disciplinary processes and procedures
- Requirements and procedures for reporting offenses to local law enforcement authorities
- Relationship of student conduct policy to other policies and procedures

Such training should be designed to equip school personnel with a knowledge of best practices for effective conduct policy implementation. The use of methods such as scenarios and table-top exercises have been demonstrated to be effective for such training. At the discretion of a local school board, depending on local conditions, consideration may be given to also including content on cultural awareness, gang awareness, and bullying prevention and intervention.

III. STANDARDS OF STUDENT CONDUCT

Application of Policy

Local school board policies and/or regulations should state explicitly the following:

- Standards of student conduct apply to all students under the jurisdiction of a school board.
- Disciplinary action will be determined based on the facts of each incident in the reasonable discretion of the school board and other appropriate school officials.
- Students are subject to corrective disciplinary action for misconduct that occurs:
 - in school or on school property
 - on a school vehicle
 - while participating in or attending any school sponsored activity or trip
 - on the way to and from school and
 - off school property, when the acts lead to (1) an adjudication of delinquency or a conviction for an offense listed in § 16.1-305.1. of the *Code of Virginia* (unlawful purchase, possession or use of a weapon, homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana, arson, and related crimes, and burglary and related offenses), criminal street gang activity or recruitment for such activity, or (2) a charge that would be a felony if committed by an adult.

Range of Corrective Disciplinary Action

Codes of student conduct should identify a range of corrective disciplinary actions available to school administrators in response to misconduct. The options and alternatives may range from admonition to mandatory expulsion, and may include but not be limited to the following:

- Admonition and counseling
- Parent/pupil conference
- Modification of student classroom assignment or schedule
- Student behavior contract
- Referral to student support services
- After-school or in-school detention
- Suspension of student privileges for a specified period
- Removal from class
- Initiation of child study process
- Referral to in-school intervention, mediation, or community service programs
- Short-term suspension
- Long-term suspension
- Recommendation for expulsion
- Mandatory expulsion

Differentiation of Sanctions by Grade Level

Options for corrective disciplinary action for misconduct may be differentiated by grade level.

Other Disciplinary Consequences

A school board may allow a student who has been suspended to complete academic assignments during the period of suspension in accordance with conditions established by the school board. School board policy may provide for ongoing consequences after a student returns to school following suspension or expulsion including, but not limited to, probationary status requiring satisfactory performance and conduct, limitations of privileges, community service, or restitution.

Administrative Discretion

The degree of administrator discretion in determining appropriate disciplinary action granted by a school board is critical to the effectiveness of a school division's discipline policy and constitutes an issue that merits careful consideration. School boards have a legitimate interest in the consistency and fairness of policy implementation across school sites. To ensure greater consistency, some school boards have prescribed certain minimum and maximum disciplinary actions, others have identified levels of action appropriate for specified offenses, and many have limited discretion in cases of very serious offenses. A closely related issue is planning for the training of school personnel in disciplinary policy, its enforcement, and disciplinary procedures.

Offenses

Definitions of offenses that are also violations of law should be consistent with statutory definitions. When offenses are not defined in the *Code of Virginia*, definitions developed for the Virginia Department of Education *Annual Discipline, Crime, and Violence Report* may be helpful in establishing local operational definitions.

Alcohol and drugs

Student conduct policy for alcohol and drugs should address the possession, use, consumption, purchase, distribution, manufacture, and/or sale of restricted substances on school property, on school vehicles, or during school sponsored activities on or off school property. This includes, but may not be limited to, tobacco products, anabolic steroids, inhalants, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia, any prescription or non-prescription drug possessed in violation of school board policy, and other controlled substances defined in the Drug Control Act, Chapter 15.1. of Title 54 of the *Code of Virginia*.

School boards may consider the use of graduated sanctions in which a substance abuse prevention/intervention program is available to students in cases of first possession or use violations. A student assistance program can serve as an important programmatic element for substance abuse prevention, intervention, and linkage to treatment.

School boards, in accordance with § 22.1-277.2:1. of the *Code*, may require any student who has been found in possession of, or under the influence of, drugs or alcohol in violation of school board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

Sample Conduct Standard: Alcohol and Other Drugs

A student may not possess, use, or distribute alcohol, tobacco and/or tobacco products, and other drugs on school grounds, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any drug not prescribed for the student by a physician.

Any student who possesses or uses prohibited substances may participate in prevention and intervention activities deemed appropriate by the superintendent.

Assault; Assault and Battery

An *assault* is a threat of bodily injury. A *battery* is any bodily hurt, however slight, done to another in an angry, rude or vengeful manner.

Student conduct policy should specifically prohibit the threatening or physical assaulting of students and of staff. Other related offenses that may be included as part of student conduct standards include sexual assault or battery (including improper touching), mob assault, and bullying.

Sample Conduct Standard: Assault

The following violations shall result in disciplinary action and may require mandatory sanctions:

- 1) Threatening or physically assaulting another student or another person (other than a staff member) who has reason to be at school, whether or not causing injury, shall result in disciplinary measures up to and including a 10-day suspension and a recommendation for expulsion.
- 2) Physically assaulting a school staff member shall result in suspension from school for up to 10 days, and the principal may recommend expulsion. In the event of injury to the staff member, expulsion shall be recommended.

Attendance; Truancy

Attendance requirements may be included as part of student conduct policy or may be addressed elsewhere in policy at the discretion of the school board. The policy should establish an expectation for regular attendance, criteria for absences to be excused, and applicable academic and disciplinary consequences of nonattendance and tardies. The comprehensive policy should address parental responsibilities, duties of the school division's attendance officer, and procedures for taking action against the child and/or parent for failure to comply with applicable law.

According to § 16.1-228.A. of the *Code of Virginia*, a "child in need of supervision" who is

truant means:

- A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and
- The child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, and
- The school division from which the child is absent or other appropriate agency has made a reasonable effort to affect the child's regular attendance without success, and
- The school division has provided documentation that it has complied with the provisions of § 22.1-258 that address actions to be taken when a pupil fails to report to school.

Sample Conduct Standard: Attendance

Student attendance is a cooperative effort; schools shall involve parents and students in accepting responsibility for regular attendance.

Each parent or guardian of a child within the compulsory school attendance age shall be responsible for the child's regular and punctual attendance at school as required by law.

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with school board regulation.

Bomb Threat

School board policy should specifically prohibit bomb threats. Other related offenses that may be constitute components of a comprehensive policy include, but are not limited to, conduct involving firebombs, explosives, incendiary devices or chemical bombs.

Threats to bomb or damage buildings and giving false information as to danger to such buildings are prohibited by § 18.2-83. of the *Code of Virginia*. Definitions of "explosive material," "fire bomb," and "hoax explosive device" are defined in § 18.2-85. of the *Code*.

Sample Conduct Standard: Bomb Threat

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices, or hoax explosive devices, or chemical bombs as defined in the *Code of Virginia*. Moreover, students shall not make any threats or false threats to bomb other students, school personnel or property.

Bullying

According to the National Center for Education Statistics, [*Indicators of School Crime and Safety*, 2002 (July 2004)], bullying can contribute to a climate of fear and intimidation in schools. Bullying is not specifically defined in Virginia law. Patterns of behavior associated with bullying that are criminal offenses are as follows:

| | | |
|---------|--------------------|-------------------|
| Assault | Extortion | Hazing |
| Larceny | Theft | Sexual harassment |
| Battery | False Imprisonment | |
| Robbery | Threats | |

Non-criminal behavior associated with bullying includes intimidation, taunting, name-calling, and insults. The definition developed for the Virginia Department of Education *Annual Discipline, Crime, and Violence Report* is “repeated negative behaviors intended to frighten or cause harm” that may include, but are not limited to, verbal or written threats or physical harm. **Another form of bullying is cyberbullying, typically defined as using information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, hostile behavior intended to harm others.**

Section 22.1-208.01 requires each school board to establish, within existing programs, a character education program; these programs are required to address the inappropriateness of bullying.

Sample Conduct Standard: Bullying

Students, either individually or as part of a group, shall not harass or bully others. The following conduct is illustrative of bullying:

- Physical intimidation, taunting, name calling, and insults
- Comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted person
- Falsifying statements about other persons
- **Use of technology such as e-mail, text messages, or Web sites to defame or harm others.**

Bus-Related Offenses

School board policy should clearly communicate that rules governing student conduct apply not only at school but also on a school vehicle, while on a school-sponsored trip, and on the way to and from school, including at the bus stop.

Sample Conduct Standard: Bus-Related Conduct

Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior. Students who become disciplinary problems on school buses shall be reported to the principal by the driver and may have their riding privileges suspended. Students are also subject to the same disciplinary action as would be prescribed had the behavior occurred at school.

Cheating

Cheating is not defined in the *Code of Virginia*. A student conduct policy may address cheating as a single offense or approach it as one of several offenses related to integrity.

Sample Conduct Standard: Cheating

Students are expected to perform honestly on any assigned schoolwork or tests. The following actions are prohibited:

- Cheating on a test or assigned work by giving, receiving, offering, and/or soliciting information
- Plagiarizing by copying the language, structure, idea, and/or thoughts of another
- Falsifying statements on any assigned schoolwork, tests, or other school documents

Communications Devices; Laser Pointers

Section 22.1-279.6.B. of the *Code* authorizes school boards to regulate the use or possession of beepers or other portable communications devices and laser pointers and establish disciplinary procedures for students violating such regulations. Policies prohibiting or limiting the use of communications devices typically address beepers, cellular telephones, personal digital assistants (PDAs), and similar devices.

Sample Conduct Standard: Communication Devices; Laser Pointers

The following violations shall result in disciplinary action at the discretion of the principal:

Possession of any portable communication devices, including any beeper, cell phone, or other similar device, including any device capable of receiving or transmitting text messages, on school property and during the school day by an elementary or middle school student.

A high school student may possess such a portable communication device on school property during the school day; however, the device must be out of sight, turned off, and used only with authorization from the principal.

In addition to other disciplinary action associated with the possession or use of a portable communication device in violation of this provision, any such portable communication device shall be subject to confiscation by school officials and returned only to the student's parent or guardian.

Disruptive Behavior

"Disruptive behavior" is defined in § 22.1-276.01. of the *Code* as conduct that interrupts or obstructs the learning environment. Local school board policy should cite the initial authority of teachers to remove a student from a class for disruptive behavior.

The related offense of disorderly conduct is defined in § 18.2-415. as involving the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk. Conduct is deemed to be disorderly when it disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

Sample Conduct Standard: Disruptive Behavior

Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance within the school setting or during related activities, which interrupts or interferes with teaching and orderly conduct of school activities, is prohibited.

Dress Standards

Establishing standards for dress has the potential to be controversial. A key criteria used by many school boards in determining what is and is not acceptable dress is whether it interferes with or disrupts the educational environment. Health and safety are also primary considerations. Some policies approach dress standards as a component of personal symbolic expression that also addresses hairstyles and buttons and badges.

Sample Conduct Standard: Dress Standard

All students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia, or clothing that contains threats such as gang symbols is prohibited.

Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials, and head coverings unless required for religious or medical purposes.

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parents of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal. Students not complying with this code will be asked to cover the non-complying clothing, change clothes, or go home. Repeated infractions will result in disciplinary action.

Extortion

Extortion is defined in § 18.2-59. of the *Code* as unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat of eventual physical injury or other harm to that person or the person's property, or a third person. "Blackmail" is the common name for extortion where the threat is not physical but relates to exposing some secret or true or alleged fact, which would do harm to someone's circumstances or damage his or her reputation.

Sample Conduct Standard: Extortion

No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

Fighting

Fighting is not specifically defined in the *Code of Virginia*. The key element differentiating fighting from assault is the mutual nature of contact.

Definitions developed for use in the Virginia Department of Education report on discipline, crime, and violence are as follows:

- Fighting with serious injury - Mutual participation in an incident involving physical violence, where there is serious injury. Requires medical attention.
- Fighting with no/minor injury - Mutual participation in an incident involving physical violence, where there is no or minor injury.

Sample Conduct Standard: Fighting

Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury is prohibited.

Gambling

Section 18.2-325. of the *Code of Virginia* defines illegal gambling as the “making, placing or receipt, of any bet or wager of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value.” A gambling device includes any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in illegal gambling operations or activity.

Sample Conduct Standard: Gambling

A student shall not bet money or other things of value, or knowingly play or participate in any game involving a bet on school property or during any school-sponsored activity.

Gang-Related Activity

"Criminal street gang" is defined in § 18.2-46.1. as meaning "any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction."

Note that the 2005 General Assembly increased criminal penalties for gang activities taking place within 1000 feet of any public or private school. The 2006 General Assembly passed legislation to make it illegal to point, hold, or brandish in a threatening manner a machete or any weapon with an exposed blade 12 inches or longer, unless for justifiable self defense. If the offense occurs within 1000 feet of school property, the punishment is a Class 6 felony. See § 18.2-282.1 of the Code.

Section 16.1-260.G. of the Code requires an intake officer to report to the division superintendent any student against whom a petition is filed for certain offenses including:

- Prohibited criminal street gang activity pursuant to § 18.2-46.2.
- Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3.

Sample Conduct Standard: Gang-Related Activity

Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students).

Hazing

Local school board codes of student conduct, in accordance with § 22.1-279.6.B. of the Code, are required to prohibit hazing and to cite "the provisions of § 18.2-56., which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations; i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both."

Sample Conduct Standard: Hazing

No student shall engage in hazing. Hazing means to recklessly and intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, fraternity, sorority, or student body, regardless of whether the student or students so endangered or injured participated voluntarily in the activity.

Hazing is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or minors. The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

Internet Use

Student conduct policy related to computer use should be developed in accordance with information provided in the Virginia Department of Education's *Acceptable Use Policies: A Handbook*, available on the Department's Web site at <http://www.doe.virginia.gov/>. In its 2006 Session, the General Assembly amended § 22.1-70.2 of the Code to require school divisions to add to their acceptable use policies a component on Internet safety for students that is integrated with a school division's instructional program. The Superintendent of Public Instruction is to issue guidelines to school divisions regarding instructional programs related to the internet. See SUPTS. MEMO NO. 15 (Administrative), April 21, 2006, Internet Safety Instruction in Schools. Also see *Guidelines and Resources for Internet Safety in Schools* (August 2006). Virginia Department of Education, Office of Educational Technology. Available at <http://www.doe.virginia.gov/VDOE/Technology/>

Sample Conduct Standard: Profane or Obscene Language or Conduct

Students shall not use vulgar, profane, or obscene language, or gestures, or engage in conduct that is vulgar, profane, or obscene, or disrupts the teaching and learning environment.

Profane or Obscene Language or Conduct

School board student conduct policy, in accordance with § 22.1-279.6.B. of the Code, is required to prohibit profane or obscene language or conduct. These terms are not specifically defined in the *Code of Virginia*. Conduct typically prohibited under this provision includes swearing and obscene/offensive gestures, materials, and communications.

Property Violations

Property violations include, but are not limited to, arson, destruction of property, vandalism, and theft.

Arson - § 18.2-79. of the *Code of Virginia*, prohibits the burning or destroying of any school. The destruction may be in whole or in part--only a *slight* burning is necessary to violate this section of the Code.

Destruction of property - § 22.1-280.4. of the Code authorizes school boards to seek reimbursement from a pupil or the pupil's parent for any "actual loss, breakage, or destruction of or failure to return property, owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies."

Theft - Larceny is the wrongful taking of the property of another without the owner's consent and with the intention to permanently deprive the owner of possession of the property.

Vandalism - § 18.2-138. of the Code prohibits the willful and malicious damaging of public buildings, including schools.

Sample Conduct Standard: Property Offenses

The following violations shall result in disciplinary action at the discretion of the principal and may require a report to local law enforcement authorities:

- Willful causing or attempting to cause damage to school property
- Theft of, taking, or trying to take another person's property or money by force, fear, or other means
- Vandalism, arson, or any threat or false threat to bomb, burn, damage, or destroy in any manner a school building or school property

A student (or the student's parent) shall be required to reimburse the school board for any actual loss of, breakage or, destruction of, or failure to return property owned by or under the control of the school board caused or committed by such student.

Stalking

Stalking is defined in § 18.2-60.3. of the *Code of Virginia* as conduct, occurring on more than one occasion and directed at another person, that places that other person in reasonable fear of death, criminal sexual assault, or bodily injury. The 2005 General Assembly added stalking to the list of offenses required to be reported to law enforcement officials (see page 31).

Sample Conduct Standard: Stalking

Students shall not engage in a pattern of behavior that places another person in fear of serious harm.

Theft

See Property Violations.

Threats; Intimidation

Threats to kill or to do bodily harm are specifically prohibited by § 18.2-60. of the *Code of Virginia*. The prohibition includes threats to any person or persons "(i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle or secondary school-sponsored event or (iii) on a school bus," Section 18.2-60.B. of the *Code* prohibits an oral threat to kill or to do bodily injury to any employee of any elementary, middle or secondary school, while on a school bus, on school property, or at a school-sponsored activity.

Sample Conduct Standard: Threats; Intimidation

Students shall not make any verbal or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason.

Trespassing

Trespassing upon church or school property, including school buses, is specifically prohibited by § 18.2-128. of the *Code of Virginia*. The definition developed for the Virginia Department of Education's discipline, crime, and violence report is as follows:

To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion, and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave by the chief administrator, or designee of the facility, campus, or function.

Sample Conduct Standard: Trespassing

A student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action as well as legal action. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on school property or remaining at a school-sponsored activity, wherever located.

Vandalism

See Property Violations.

Weapons or Other Dangerous Articles

Student conduct policy on weapons should address the possession, use, sale or purchase of restricted items on school property, on school vehicles, or during school sponsored activities on or off school property. This includes, but may not be limited to, any firearm or weapon. A school board additionally may prohibit the possession of unloaded weapons by students on their persons or in their lockers, backpacks, or vehicles.

Weapons for which mandatory expulsion is required include those enumerated in *Virginia Code* § 18.2-308.1., in the federal Gun-Free Schools Act, and in *Virginia Code* § 22.1-277.01.D. In accordance with § 22.1-277.01 of the *Code*, the expulsion shall be for no less than 365 days.

An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

Carrying, bringing, using, or possessing dangerous instruments in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity on or off school property is grounds for disciplinary action. Examples of dangerous instruments include letter openers, screwdrivers, hammers, hatchets, and other devices that could be used to inflict harm upon another person. Not subject to mandatory expulsion is possession of a knife that

is customarily used for food preparation or service and is possessed by the student for the sole purpose of personal food preparation and service.

Sample Conduct Standard: Weapons

Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon.

Other Conduct

A school board may consider including an “other conduct” category that addresses conduct not specifically listed elsewhere. The “other conduct” should be confined to that which disrupts the educational environment or is a violation of federal, state, or local law.

Sample Conduct Standard: Other Conduct

In addition to those specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise in violation of federal, state, or local law.

Self Defense

A code of student conduct may, but is not required to, address consideration of self defense as a factor in determining appropriate disciplinary action. Procedures for such consideration should include an opportunity for the student(s) to present the student’s version of what occurred, as well as a review of facts, involving school personnel and others as appropriate. The fact-seeking process may include students and other staff who may have witnessed the incident or have observed previous interactions between the students involved. In cases where self defense is claimed, there may be a “history” between the students that often takes the investigation beyond looking at the single incident to examining patterns of interaction, past threats, and bullying. Persons from whom information is obtained could include a bus driver, other students, and parents.

School boards developing disciplinary policies including self defense should provide criteria that define when an incident would be considered an act of self defense. Based on the criteria used in the judicial system for a claim of self defense to apply, the following conditions should be met. The person claiming self defense must:

- Be without fault in provoking or bringing on the fight or incident
- Have reasonably feared, under the circumstances as they appeared to him, that he was in danger of harm
- Have used no more force than was reasonably necessary to protect himself from the threatened harm.

A school board’s policy addressing self defense should retain a prohibition for bringing weapons of any kind to school for the purpose of self defense and explicitly state that self defense does not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

Sample Statement on Self Defense

Students are subject to disciplinary action for misconduct. Cases for which self defense is claimed must meet the following criteria: (1) the claimant must not have provoked or behaved in a manner to cause the incident; (2) the claimant must have had reasonable fear of danger of harm; and (3) the claimant used no more force than needed for protection from the threatened harm. Such incidents should be reported immediately to school officials. When claims of self defense have been established, the administrator shall: (1) allow the student to present his version of what occurred and (2) review circumstances and relevant information from others pertaining to the incident, including relationships and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information should be considered in determining appropriate corrective disciplinary action. Claims of self defense do not constitute a valid defense against possession or use of a weapon on school property or at any school sponsored activity. Weapons are prohibited on school property and at school-sponsored events.

Related Policy Issues

Notification of Parental Responsibilities and Involvement

A local school board policy must provide for notification of parental responsibilities in accordance with § 22.1-279.3. of the *Code of Virginia* that sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance.

Within one calendar month of the opening of school, school boards are required to send the parents of each enrolled student (i) a notice of parental responsibilities; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials must include a notice to the parents that, by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth. The notice also informs a parent of the right to express disagreement with a school's or school division's policies or decisions. A school board's policy should address documentation of receipt of materials, the conditions for requiring parent involvement, and criteria/steps for proceeding against parents in juvenile and domestic relations court for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance.

Reporting of Certain Offenses to Law Enforcement Authorities

Local school board policy must provide for notification of local law enforcement authorities in accordance with § 22.1-279.3:1.D. of the *Code of Virginia* that requires principals to immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of §22.1-279.3:1.A. that may constitute a criminal offense. A principal may report to the local law-enforcement agency any incident described in clause (i) of subsection A. When there is injury, or the battery is against school personnel, reporting is mandatory.

Section 22.1-279.3:1.A. of the *Code* lists offenses as stated below:

- i. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity
- ii. The assault and battery which that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described § 18.2-60.3, in on a school bus, on school property, or at a school-sponsored activity
- iii. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications
- iv. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity
- v. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property
- vi. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity
- vii. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses, or
- viii. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor

The principal or designee must also report these incidents to the superintendent of the school division, who then reports them to the Department of Education in accordance with § 22.1-279.3:1(C) of the *Code of Virginia*. Incidents are reported to the Department of Education in the *Annual Discipline, Crime and Violence Report*. Reports of such incidents must accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities. Effective for the 2005-2006 school year, compliance with this requirement will be documented in the *Annual Discipline, Crime and Violence Report*.

The principal or designee must also notify the parent of any student involved in the incidents listed above, as well as incidents committed by students enrolled at the school if the offense would be a felony if committed by an adult, regardless of where the offense is committed, or would be a violation of the Drug Control Act if it occurs on a school bus, school property, or at a school sponsored activity [§ 22.1-279.3:1(B) and (C)]. The 2005 General Assembly amended § 22.1-279.3:1.D. to require that principals notify parents that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

Whenever a student commits a reportable incident named in the *Code*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the superintendent or designee (§ 22.1-279.3:1(C)). A school board may require reporting of other offenses. This determination is best made in consultation with local school and law enforcement officials.

Access to Certain Juvenile Records

Section 16.1-300 of the *Code of Virginia* governs the confidentiality of Department of Juvenile Justice records of children who have been before a juvenile court, under probation supervision, received services from a court service unit, or who are committed to the Department of Juvenile Justice. In its 2006 Session, the General Assembly specified that a school administration is among the entities who may have access to these records by order of the court when they are deemed to have a legitimate interest in the case or the juvenile.

Clarifying the Parameters of Legal and Administrative Authorities

An effective school-law enforcement partnership is characterized by clarity about the nature of misconduct that occurs, about respective law enforcement and administrator roles, and about available sanctions. Positive outcomes for students, for schools, and for school-law enforcement partnerships are far more likely to be achieved when law enforcement officers and school administrators work together to apply available sanctions.

The first challenge is to establish clarity about what is a crime and what is a disciplinary matter -- what requires law enforcement response and what requires an administrative response? What behaviors distinguish between criminal and non-criminal actions? For example,

- Under what circumstances will "bullying" be labeled "assault" or "extortion" or "hazing" and result in criminal charges?
- Under what circumstances will fighting result in charges of assault and battery?
- When does a dispute over an allegedly borrowed jacket become a theft and result in a larceny charge?

Determination of criminal versus non-criminal behavior is a serious issue that requires examination and clear understanding between the school division and the law enforcement agency. According to the Northwest Regional Educational Laboratory's Clearinghouse on school safety, recent experience with school-law enforcement partnerships has taught the following:

- Law enforcement officers are not school disciplinarians.
- The officer's presence does not reduce the responsibility of teachers and of administrators to enforce school rules and the school division's student code of conduct.
- Classroom management rests with the teacher.
- Disciplinary responses remain the responsibility of school administrators.
- The focus of law enforcement involvement in conduct matters is properly centered on incidents that involve a violation of law.

Effective school-law enforcement partnerships handle all incidents--whether violations of codes of conduct or violations of law--in a manner designed to ensure an appropriate, coordinated response and improve the likelihood of a desirable outcome for the school, the student, and public safety.

When school-law enforcement partnerships are formed, commitments of the school division and of the law enforcement agency are best formalized in a written interagency agreement

called a Memorandum of Understanding (MOU) that outlines the purpose of the partnership and the fundamental responsibilities of each agency. The MOU establishes the framework in which a school resource officer (SRO) program operates. A MOU specifies, at minimum, the following:

- The purpose of establishing the school/law enforcement partnership
- The roles and responsibilities of the school and the law enforcement agency
- The general chain of command and channels of communication
- The schedule for updating and renewing the agreement

A more comprehensive MOU may incorporate key division-level policies and procedures including standard operating procedures for information sharing, investigation of crimes and interrogation, search and seizure and arrest of students, and procedures for handling critical incidents such as bomb threats, riots, and shootings.

Experience has shown that the process of developing the MOU and the operational procedures has great value in clarifying expectations and in anticipating and avoiding operational glitches during implementation. Both the MOU and operational procedures are *evolving documents*, and should be reviewed annually.

Key Definitions: School Resource Officer and School Security Officer

"School resource officer" is defined in § 9.1-101. of the *Code of Virginia* as "a certified law enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools."

The roles of the School Resource Officer (SRO) in Virginia are identified as:

1. Law enforcement officer
2. Law-related educator
3. Community liaison and
4. Role model

"School security officer" is defined in § 9.1-101. of the *Code of Virginia* as "an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school."

Authoritative information about School Resource Officer (SRO) programs and about the training and certification of both school resource officers and school security officers is available from the Virginia Department of Criminal Justice Services, Virginia Center for School Safety.

APPENDIX A: CODE OF VIRGINIA § 22.1-279.6

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required in § 22.1-253.13:7. and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

Each school board shall include, in its code of student conduct, prohibitions against hazing, profane or obscene language or conduct. School boards shall also cite, in their codes of student conduct, the provisions of § 18.2-56. which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject. Nothing herein shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

C. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

APPENDIX B: DISCIPLINE OF STUDENTS WITH DISABILITIES

Note: The Regulations Governing Special Education Programs for Children with Disabilities in Virginia, effective March 27, 2002, (the Virginia Regulations), are being revised to comply with the changes outlined in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04).

In the interim, refer to *The Guidance Document on the Implementation of IDEA 2006 – Part B Requirements* (May 2005), available at the Virginia Department of Education's Web site: <http://www.pen.k12.va.us/VDOE/dueproc/IDEA2004GuidanceDocument.pdf>

Excerpts from Key Documents:

The following is a discipline-related excerpt from *The Regulations Governing Special Education for Children with Disabilities in Virginia* currently being revised according to the Individuals with Disabilities Education Act (IDEA):

8 VAC 20-80-68. Discipline procedures. (p. 56 of Regulations)

A. General. A student with a disability shall be entitled to the same due process rights that all students are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures. COV §22.1-277

B. Short-term removals. 34 CFR §§ 300.121; 300.519

1. A student with a disability may be removed from the student's current educational setting up to 10 cumulative school days in a school year for any violation of school rules to the extent removal would be applied to a student without a disability.

2. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds 10 school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. If the removals do constitute a pattern, the requirements of subsection C of this section apply.

a. Isolated, short-term suspensions for unrelated instances of misconduct may not be considered a pattern.

b. These removals do not constitute a change in placement.

C. Long-term removals. 34 CFR § 300.121

1. For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if: 34 CFR § 300.519

a. The removal is for more than 10 consecutive school days; or

b. A series of removals constitutes a pattern because the removals cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

2. Authority of school personnel. 34 CFR § 300.520 and 522

a. A student with a disability may be removed consistent with subdivision 1 of this subsection for any violation of school rules to the extent removal would be applied to students without disabilities.

b. School personnel may remove a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days, if:

- (1) The student carries a weapon to or possesses a weapon at school or a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or

- (2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a local educational agency or the Virginia Department of Education. For purposes of this part, the following definitions apply:
- (a) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 USC § 812 (c).
 - (b) Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
 - (c) Weapon has the meaning given the term "dangerous weapon" in 18 USC § 930 (g), paragraph 2, as well as any weapon defined as a dangerous weapon in the Code of Virginia.

c. The interim alternative educational setting must be determined by an IEP team. The interim alternative educational setting must be selected so as to enable the student to:

- (1) Continue to progress in the general curriculum, although in another setting;
- (2) Continue to receive those services and modifications including those described in the student's current IEP that will enable the student to meet the IEP goals; and
- (3) Include services and modifications that address the behavior and are designed to prevent the behavior from recurring.

d. The local educational agency shall ensure that the following procedures are implemented either before or not later than 10 business days after either first removing the student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement under subdivision 1 of this subsection, including placements in interim alternative educational settings:

- (1) The IEP team shall convene to develop a behavioral assessment plan if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral plan for the student before the behavior resulted in the removal described in subdivision 1 of this subsection.
- (2) The functional behavioral assessment may be a review of existing data that can be completed at the IEP meeting. Parental consent is not necessary to review existing data.
- (3) The IEP team shall reconvene as soon as practicable after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions to address the behavior.
- (4) If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior.

e. If the student who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than 10 school days in a school year is subjected to a further removal that does not constitute a change in placement under subdivision 1 of this subsection, the IEP team shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed in the student's behavioral intervention plan, the IEP team shall meet and modify the plan and its implementation as necessary.

3. Services during periods of disciplinary removal. 34 CFR §300.121 (d)

a. The local educational agency is not required to provide services during the first 10 school days in a school year that a student with a disability is removed from the student's current educational setting if services are not provided to a student without a disability who has been similarly removed.

b. For a subsequent removal that is less than 10 school days in a school year, but exceeds 10 cumulative school days of removal, and which does not constitute a change in placement under subdivision 1 of this subsection, the local educational agency shall provide services to the extent determined necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of the student's IEP.

c. The procedures for determining services under subdivision 3 b of this subsection for periods of removals are as follows:

- (1) For removals for more than 10 school days in a school year which do not constitute a change in placement, school personnel, in consultation with the student's special education teacher, make the service determinations.
- (2) For removals that constitute a change in placement, the IEP team determines what services are needed.

The following is a discipline-related excerpt from *The Guidance Document on the Implementation of IDEA 2006 – Part B Requirements (May 2005)*:

X. DISCIPLINE

General Standard
8 VAC 20-80-68 A IDEA '04 1415 (k)(1)(A)

REVISES the mandate to permit school personnel to consider any unique circumstances on a case-by-case basis when deciding to order a change in placement for a child violating a school conduct code.

NOTE: The new law has included a number of provisions already in the federal and Virginia Regulations; for example, that no later than the date of the decision to take disciplinary action, the school division shall notify the parents of the decision and of the procedural safeguards. [1415 (k)(1)(H)] Other provisions include those relative to the 10-day rule for short-term and long-term suspensions; provision of services; and, completion of the functional behavioral assessment and behavioral intervention plan.

Interim Alternative Educational Setting
8 VAC 20-80-68 C.2.b IDEA '04 1415 (k)(1)(G)(iii) [causes]
8 VAC 20-80-68 C.2.b IDEA '04 1415 (k)(1)(G) [timelines]

REVISES the mandate relative to causes triggering an Interim Alternative Educational Setting/ placement. The mandate regarding IAES removals for drugs or weapons has been expanded to include offenses wherein the student inflicts serious bodily injury upon another person at school or school event. "Serious bodily injury" means a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty. [U.S.C. 1365 (g)]

REVISES the 45-calendar day removal to be a 45-school day removal.

Stay-put/Pendency
8 VAC 20-80-68 C.7 IDEA '04 1415 (k)(4)(A)

REVISES the mandate to clarify that during due process hearings to contest disciplinary actions, the student remains in the discipline setting pending the hearing officer's decision or the expiration of the removal time, whichever occurs first, unless the parent and school division agree otherwise.

Expedited Hearing Timelines
8 VAC 20-80-68 C.9; 20-80-76 M IDEA '04 1415 (k)(4)(B)

ADDS to the statute a timeline for processing expedited hearings. When a due process hearing is requested relative to disciplinary actions, the hearing has to be completed within expedited timelines. The new law requires that the hearing must occur within 20 school days of the request for the hearing. The hearing officer's decision must be rendered within 10 school days after the hearings.

NOTE: A timeline for expedited hearings is not in the current federal law and regulations but is in the Virginia Regulations. This new federal timeline revises the timeline in the Virginia Regulations. The new timeline adds approximately 10 more days to Virginia's timelines.

Manifestation Determination

8 VAC 20-80-68 B.5.b(2) IDEA '04 1415 (k)(1)(E)(i)(I) & (II) [causation standard]

8 VAC 20-80-68 C.2.d IDEA '04 1415 (k)(1)(D)(ii) [FBA/BIP]

REVISES the causation standard. A manifestation determination shall be made by the parent, school division and relevant IEP team members to decide if the behavior was caused by, or had a direct or substantial relationship to the disability, or was the direct result of the failure to implement the IEP.

ADDS a provision already in the federal and Virginia Regulations, requiring that if the behavior was a manifestation of the child's disability, the IEP team must conduct a functional behavioral assessment (FBA) and behavioral intervention plan (BIP) for the child, or review an existing plan and modify it as necessary to address the behavior. The new law also clarifies, as in the current regulations, that if the behavior is a manifestation, the child is returned to the pre-discipline placement, unless the parent and school division agree otherwise.

Basis of Knowledge

8 VAC 20-80-68 C.8.b (2) and c IDEA '04 1415 (k)(5)(C)

REVISES the mandate to state that the protections of the IDEA, under 'basis of knowledge' requirements do not apply if:

- the parent has not allowed a previous evaluation of the student or has refused services; or,
- the student has been evaluated and determined ineligible for special education and related services.

ELIMINATES the indicator that the behavior or performance of the student demonstrates need for special education as triggering the 'basis of knowledge' requirements.

APPENDIX C: SAMPLE FORMS AND FORMATS

Sample: Parent Acknowledgment of Parental Responsibility

Acknowledgment of Parental Responsibility

This form is for parents/legal guardians of all students enrolled in XXXX Public Schools to ensure that they have received and reviewed the following important documents.

Student Name _____ DOB _____

School _____

Homeroom Teacher _____ Grade _____

I have received and reviewed each of the following:

1. Standards of Student Conduct.
2. A copy of § 22.1-279.3. of the *Code of Virginia* that sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance.
3. A copy of the compulsory attendance law.

My signature acknowledges receipt of above-listed documents. By signing this statement of receipt, I do not waive, but expressly reserve, my rights protected by the constitution or laws of the United States or Virginia. I retain the right to express disagreement with a school's or school division's policies or decisions.

Print Parent/Legal Guardian/Eligible Student Name _____

Signature of Parent/Legal Guardian _____

Date _____

Signature of Student Age 18 or above _____

Date _____

**Please return this form to your child's homeroom teacher
no later than [INSERT DATE].**

Sample: Annual Policy Review Checklist

| ✓ | Tasks |
|---|--|
| | Review ongoing log of issues/concerns maintained since distribution of Standards |
| | November - Meet with elementary, middle, high school principals' committee |
| | December – Meet with legal counsel and superintendent |
| | January – March – Review relevant General Assembly bills and resolutions |
| | January – Draft preliminary changes/updates to Standards for review by superintendent and senior administration |
| | March – determine estimated number of copies of Standards needed in English and in other languages; obtain preliminary estimates of costs for translation and for printing |
| | April – Review final General Assembly action |
| | April – Attend school board work session |
| | May – Return to school board for final discussion and approval |
| | May – Coordinate production of document with graphics specialist |
| | Late May/early June – complete final review before printing; approve and send to printer |
| | Late May/early June – document sent for translation into required languages; as translations are completed, documents are approved and sent to printer |
| | New Standards in English and other languages are distributed to school sites via |
| | internal mail services |
| | August – In-service training is provided to school administrators and other school staff. |

Sample: Quick Guide to Rules of Conduct and Disciplinary Consequences

This Quick Guide contains examples of actions for which students may be disciplined, as well as the probable consequences. Typical situations are identified; other measures may be used.

Suspension of 10 Days and Mandatory Recommendation for Expulsion

- Physical assault on staff with bodily injury
- Sexual assault or battery
- Mob assault
- Distribution or manufacture of alcohol or inhalants
- Possession of controlled or imitation controlled substance
- Illegal use or possession of prescription drugs (second offense)
- Distribution or manufacture of a controlled or imitation controlled substance, illegal drugs, or drug paraphernalia
- Unauthorized use or possession of any weapon or any object used as a weapon
- Under influence of marijuana or other controlled substance within 12 months of prior offense

Suspension of Up to 10 Days

- Use, possession, or under influence of alcohol, inhalants, or nonalcoholic beer
- Under influence of marijuana or other controlled substance (first offense)
- Possession of drug paraphernalia (first offense)
- Distribution of nonprescription drugs.
- Illegal use or possession of prescription drugs (not classified as controlled substances) (first offense)
- Assault or assault and battery

Discretion of the Principal (Consequences range from an intervention without suspension to a recommendation for expulsion.)

- Threat to assault a staff member; threat or assault of another student
- Disruption, disobedience, insubordination, defiance of school officials
- Endangering well-being of others: fighting, bullying
- Possession or display of obscenity; indecent exposure
- Cursing, verbal abuse including gestures
- Fireworks – use or possession
- Forgery, cheating, plagiarism, dishonesty
- Gambling
- Improper touching
- Unauthorized or illegal use or disruption of information technology
- Unauthorized laser devices
- Gang-related activities
- Portable communications devices
- Attendance violations
- Use or possession of nonprescription drugs
- Vandalism of school property; bomb threats
- Unauthorized presence
- Tobacco violations
- Hazing

Sample: Quick Guide to Disciplinary Action

| Suspension of 10 Days and Recommendation for Expulsion | Report to Law Enforcement |
|---|----------------------------------|
| Physical assault on staff member with bodily injury | Yes |
| Sexual assault or battery | Yes |
| Mob assault | Yes |
| Distribution or manufacture of alcohol or inhalants | Yes |
| Possession of controlled or imitation controlled substance | Yes |
| Illegal use or possession of prescription drugs (second offense) | Yes |
| Distribution or manufacture of a controlled or imitation controlled substance, illegal drugs, or drug paraphernalia | Yes |
| Unauthorized use or possession of any weapon or any object used as a weapon | Yes |

| Suspension for Up to 10 Days | Report to Law Enforcement |
|--|----------------------------------|
| Threat to assault a staff member | Yes |
| Threat or assault of another student | Possible |
| Use, possession, or under influence of alcohol, inhalants, or nonalcoholic beer | Yes |
| Assault or assault and battery of another student or person other than staff member with bodily injury | Yes |
| Assault or assault and battery without bodily injury | Possible |

| Discretion of the Principal | Report to Law Enforcement |
|---|---|
| Improper touching | Possible |
| Endangering well-being of others: fighting, bullying | Possible |
| Fireworks – use or possession | Possible |
| Unauthorized or illegal use or disruption of information technology | Possible |
| Gang-related activities | Yes |
| Vandalism of school property; bomb threats | Yes |
| Theft | Possible |
| Unauthorized presence | Possible |
| Tobacco (second and subsequent violations) | Possible |
| Hazing | Yes (report to Commonwealth's Attorney) |

APPENDIX D: RELATED RESOURCES

The following list of related policies, regulations, non-regulatory guidance and credible resource publications is intended as supplemental information that may be used by school boards in the development of student conduct policy.

Virginia Board of Education Guidelines

| Title | Statutory Reference | Superintendents Memo |
|---|--|--|
| <i>Guidelines Concerning Student Searches in Virginia Public Schools</i> (Approved November 19, 1999) | § 22.1-279.7, Code of Virginia | Student Search Guidelines. SUPTS. MEMO NO. 9 (Administrative), March 17, 2000 |
| <i>Guidelines Concerning Student Drug Testing in Virginia Public Schools</i> (Approved June 23, 2004) | § 22.1-279.7, Code of Virginia | Drug Testing Guidelines. SUPTS. MEMO NO. 148 (Informational), July 30, 2004 |
| <i>Persistently Dangerous Schools, Identification Process and Criteria under the No Child Left Behind Act of 2001</i> (Approved April 29, 2003) | No Child Left Behind Act of 2001, at Title IX, Section 9532. | Unsafe School Choice Option: Identification of Persistently Dangerous Schools. SUPTS. MEMO NO. 86 (Informational), May 9, 2003 |

Related Virginia Regulations and Guidelines

Standards of Quality

Section 22.1-253.13:7., *Code of Virginia*

Standards of Accreditation

Section 8 VAC 20-131-210.A., Role of the Principal

Section 8 VAC 20-131-260.C.3., Facilities and Safety

Regulations Governing Special Education Programs for Children with Disabilities in Virginia (March 27, 2002). Virginia Department of Education. Available at <http://www.doe.virginia.gov/VDOE/Instruction/Sped/varegs.pdf>
See Section 8 VAC 20-80-68 - Discipline Procedures (p. 56)

Guidelines for the Management of the Student's Scholastic Record in the Public Schools of Virginia (May 2004). Full document available on the Virginia Department of Education Web site at <http://www.doe.virginia.gov/VDOE/studentsrvcs/MSSRedit.pdf>

Related Federal Regulations, and Non-Regulatory Guidance

Safe and Drug-Free Schools and Communities Act Grant Programs: Guidance for State and Local Implementation of Programs (December 2002). U.S. Department of Education. Available online <http://www.ed.gov/programs/dvpformula/legislation.html>

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act (January 22, 2004). U.S. Department of Education. Available at <http://www.ed.gov/programs/dvpformula/legislation.html>

Unsafe School Choice Option Non-Regulatory Guidance (May, 2004). U.S. Department of Education. Available at <http://www.ed.gov/policy/elsec/guid/unsafeschoolchoice.pdf/>

Related Resource Materials and Publications

Virginia School Search Resource Guide. (October 2000). Virginia Department of Education. Available online at: <http://www.doe.virginia.gov/VDOE/Instruction/ssg.pdf>

Virginia Juvenile Law Handbook for School Administrators: 2004 Update. Virginia Department of Criminal Justice Services. Available online at www.dcja.org/vcss/

"Discipline of Students with Disabilities." Available at Virginia Department of Education's Website: <http://www.doe.virginia.gov/VDOE/sped>.

Attendance

Improving School Attendance: A Resource Guide for Virginia Schools (2005). Virginia Department of Education. Available at <http://www.doe.virginia.gov/VDOE/studentsrvcs/>

Computer Use

Acceptable Use Policies: A Handbook. Virginia Department of Education. Available at <http://www.doe.virginia.gov/VDOE/Technology/AUP/home.shtml#intro>

Crisis Management

Model School Crisis Management Plan (2002). Virginia Department of Education. Download at <http://www.pen.k12.va.us/VDOE/Instruction/model.html>

Resource Guide for Crisis Management in Schools. (2002). Virginia Department of Education. Download at <http://www.safeanddrugfreeva.org/CrisisGuide2002Final.pdf>

Practical Information on Crisis Planning: A Guide for Schools and Communities (2003). Download at <http://www.ed.gov/admins/lead/safety/emergencyplan/crisisplanning.pdf>

Disaster Preparedness and Response for Schools. National Clearinghouse for Educational Facilities. See resources at <http://www.edfacilities.org/rl/disaster.cfm>

The Virginia Educator's Guide for Planning and Conducting School Emergency Drills. Virginia Department of Criminal Justice Services. Available online at <http://www.dcjs.virginia.gov/vcss/>

Bomb Threats

Bomb Threat Assessment Guide (Oct. 2003), an interactive CD-ROM, developed by the U.S. Department of Education and the Bureau of Alcohol, Tobacco, and Firearms. Access at <http://www.threatplan.org/>

Internet/Technology Use

Acceptable Use Policies: A Handbook (2003). Virginia Department of Education. Available at <http://www.doe.virginia.gov/VDOE/Technology/AUP/home.shtml#intro>

Guidelines and Resources for Internet Safety in Schools (August 2006). Virginia Department of Education, Office of Educational Technology. Available at <http://www.doe.virginia.gov/VDOE/Technology>

School-Law Enforcement Partnerships

Fostering School-Law Enforcement Partnerships (2002). National Resource Center for Safe Schools, School Safety Guide #6. Available from http://www.safetyzone.org/safe_secure.htm | "Cops in Schools: COPS Commitment to Schools" *COPS Fact Sheet* (March 10, 2004), U.S. Department of Justice. Available online at <http://www.cops.usdoj.gov>

Other Sources of Information

Virginia Center for School Safety (<http://www.dcjs.org/vcss/>) - Information is available on the following topics and issues:

- School safety audits
- School resource officer (SRO) training and programs
- School security officer (SSO) training
- School critical incident response

APPENDIX E: PUBLIC LAW 107-110, NO CHILD LEFT BEHIND ACT OF 2001, TITLE IV, PART A,

SECTION 4141, GUN-FREE REQUIREMENTS

SEC. 4141. GUN-FREE REQUIREMENTS.

(a) **SHORT TITLE-** This subpart may be cited as the Gun-Free Schools Act.

(b) **REQUIREMENTS-**

(1) **IN GENERAL-** Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

2) **CONSTRUCTION-** Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) **DEFINITION-** For the purpose of this section, the term firearm has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) **SPECIAL RULE-** The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) **REPORT TO STATE-** Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance -

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including -

- (A) the name of the school concerned;
- (B) the number of students expelled from such school; and
- (C) the type of firearms concerned.

(e) **REPORTING-** Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) **DEFINITION-** For the purpose of subsection (d), the term school means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) EXCEPTION- Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL-

(1) IN GENERAL- No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) DEFINITION- For the purpose of this subsection, the term school has the same meaning given to such term by section 921(a) of title 18, United States Code.

Definitions of “Other Firearms”

Firearms other than handguns, rifles or shotguns as defined in Section 921, Title 18 of the United States Code. According to Section 921, the following are within the definitions:

- any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile from the action of any explosive;
- the frame or receiver of any weapon described above;
- any firearm muffler or firearm silencer;
- any destructive device, which includes:

(a) any explosive, incendiary, or poison gas

- (1) Bomb;
- (2) Grenade,
- (3) Rocket having a propellant charge of more than four ounces,
- (4) Missile having an explosive or incendiary charge of more than one-quarter ounce,
- (5) Mine, or
- (6) Similar device.

(b) any weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

(c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

Note: This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns. According to Section 921, antique firearms are not included in the definition.

Board of Education Agenda Item

Item: _____ M. _____

Date: September 27, 2006

Topic: First Review of the Proposed Revisions to the Guidance Document Governing Certain Provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-05 et seq.)

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by
☐ State or federal law or regulation
☐ Board of Education regulation
☐ Other: _____

☐ Action requested at this meeting

☒ Action requested at future meeting: October 25, 2006

Previous Review/Action:

☒ No previous board review/action
☐ Previous review/action
date _____
action _____

Background Information: From January 12, 2005 through May 24, 2006, the Board examined changes to its regulations accrediting Virginia's K-12 public schools. Proposed changes have been made in accordance with the Administrative Process Act, which included the examination and incorporation of numerous public comments. On September 7, 2006, these proposed regulations, which the Board approved at its May 24 meeting, became effective. These newly-adopted changes supersede regulations that had been in effect since September 28, 2000.

On November 30, 2000, the Board approved a guidance document, which provides additional detail concerning the interpretation and implementation of certain provisions in the accreditation standards. From time to time since then, the Board has approved additional guidance. Now that the revised regulations are in effect, the need exists to update this guidance and to compile it into one document. The update is needed to address:

- 1) Obsolete language in the current guidance documents;
- 2) Updates needed because Virginia's accountability system has matured; and
- 3) Technical assistance in the areas of consequences for those schools that fail to meet the accountability requirements.

In addition, the guidance document has also been edited for clarity and consolidates all guidance related to the accrediting standards into one comprehensive package.

Summary of Major Elements: The following table provides information concerning what sections of the current guidelines are being retained in the proposed revisions:

| Title of Section in Proposed Guidelines | Relationship to Current Guidelines (New Section or Update to Current Section) |
|--|--|
| Student Achievement Expectations (8 VAC 20-131-30) | <i>Update to current section</i> - addresses Remediation Recovery in grades 4, 6, and 7 (page 1) |
| Requirements for Graduation (8 VAC 20-131-50) | |
| ✓ General Provisions | <i>Update to current section</i> - courses to satisfy graduation requirements for Standard, Advanced Studies, and Modified Standard Diplomas (page 3) |
| ✓ Additional Graduation Credit Requirements | <i>Update to current section</i> - language in current guidelines has been updated (page 3) |
| ✓ Sequential Electives for Graduation with a Standard or Modified Standard Diploma | <i>New section</i> – defines sequential electives (page 5) |
| ✓ Awarding Differentiated Numbers of Verified Credit For Career and Technical Education Certification and Licensure Examinations | <i>New section</i> - addresses the option to substitute in the career and technical track either the student selected verified credit or verified credit in science or history/social science (page 7) |
| ✓ Literacy and Numeracy Requirements for the Modified Standard Diploma | <i>Update to current section</i> - removes reference to Literacy Passport Test and now addresses Standards of Learning tests (page 8) |
| ✓ Diploma Seals | <i>Update to current section</i> – for Governor's Seal requirements (page 8) |
| Transfer for Students (8 VAC 20-131-60) | |
| ✓ Transfer from a Nonpublic School | <i>New section</i> - addresses transfer students from schools accredited by members of Virginia Council for Private Education and other schools (page 10) |
| ✓ First-time Transfer Students | <i>New section</i> - defines first-time transfer student (page 11) |
| ✓ Waiver of Verified Credit | <i>Update to current section</i> - includes Web site link to waiver application form (page 12) |
| Instructional Program in Elementary and Middle Schools (8 VAC 20-131-80 and 8 VAC 20-131-90) | |
| ✓ Physical Fitness | <i>New section</i> - provides broad parameters for school divisions to incorporate physical fitness (page 14) |
| ✓ Foreign Language and Algebra I | <i>New section</i> - states that school boards shall offer foreign language and Algebra I (page 15) |

| | |
|--|--|
| Standard and Verified Units of Credit (8 VAC 20-131-110) | |
| ✓ Locally-Awarded Verified Credit | <i>Update to current section</i> - applies to students beginning with those students entering ninth-grade class in 2003-2004 (page 17) |
| ✓ Mastery of Course Content and Objectives | <i>Update to current section</i> - new title to replace title in the Current Guidelines: "Alternative Provisions for Awarding Verified Credit" (page 18) |
| ✓ Expedited Retake | <i>Update to current section</i> - new title to replace title in the current guidelines: "Alternative Provisions for Awarding Verified Credit" (page 18) |
| ✓ Alternative Provisions for Awarding Verified Credit | <i>Update to current section</i> - addresses other states' tests (page 19) |
| Standard School Year and School Day (8 VAC 20-131-150) | |
| | <i>Update to current section</i> - addresses alternative school schedules as outlined in the <i>Code of Virginia</i> (page 20) |
| Administrative and Staff Support; Staffing Requirements (8 VAC 20-131-240) | |
| | <i>New section</i> - addresses the secondary planning period (page 21) |
| Expectations for School Accountability (8 VAC 20-131-280) | |
| ✓ Calculating Accreditation Ratings of Schools | <i>Update to current section</i> - for testing at grades 4, 6, and 7 and for the increase in benchmarks (page 22) |
| ✓ Waivers for Special Purpose Schools | <i>Update to current section</i> - now incorporates alternative accreditation criteria (page 24) |
| Procedures for Certifying Accreditation Eligibility (8 VAC 20-131-290) | |
| ✓ Experimental or Innovative Programs | <i>New section</i> – includes 1998 Board-approved definitions (page 26) |
| Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation (8 VAC 20-131-310) | |
| | <i>Update to current section</i> - incorporates the academic review process and the school improvement plan (page 27) |
| Action Requirements for Schools That Are Denied Accreditation (8 VAC 20-131-315) | |
| ✓ School Division Requirements | <i>New section</i> – outlines notification process for schools (page 30) |
| ✓ Memorandum of Understanding | <i>New section</i> – outlines parameters for <u>and</u> preparation and approval of MOU (page 30) |
| ✓ Reconstitution | <i>New section</i> – outlines parameters for Board approval of this action (page 32) |
| ✓ Closing a School | <i>New section</i> – references current procedures within the Department for changing a school's status (page 33) |
| ✓ Annual Reports | <i>New section</i> – general reporting requirements (page 33) |

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept the proposed revisions for first review and authorize 30 days of public comment.

Impact on Resources: The impact on resources for the revision of this guidance is not expected to be significant.

Timetable for Further Review/Action: The proposed revisions to the regulations will be presented to the Board of Education for approval on October 25, 2006.

**Guidance Document Governing Certain Provisions of the
Regulations Establishing Standards for Accrediting Public Schools in Virginia
(8 VAC 20-131-05 et seq.)**

STANDARD: 8 VAC 20-131-30. Student Achievement Expectations

Remediation Recovery

C. In kindergarten through grade 12, students may participate in a remediation recovery program as established by the board in English (Reading) or mathematics or both.

Guidance:

Remediation recovery is a voluntary program that schools may implement to encourage successful remediation of students who do not pass certain Standards of Learning tests in grades K-8 and high school English and mathematics. Students in grades K-8 are not required to retake Standards of Learning (SOL) tests unless they are retained in grade and have not previously passed the test or they are placed in a remediation recovery program developed by the local school board. Students in high school are not required to retake end-of-course Standards of Learning tests unless the student previously failed the course and the test, or the student needs to earn verified credit for graduation.

Placing a child in a remediation recovery program in English (Reading, Literature, and Research) and/or mathematics does not penalize a school if the student is not successful on the retake of a Standards of Learning test. Schools shall maintain evidence of a student's participation in a remediation recovery program along with the scores of any Standards of Learning tests taken following remediation in the student's record.

Remediation recovery scores will count at the school where the student was tested as a remediation recovery student. Students may be counted in remediation recovery only once for each grade or test.

The following students may not be included in remediation recovery programs:

- Students in grade 8 who are retested because they are retained and had not passed the grade 8 test in reading or mathematics; and
- Students who retake an end-of-course test as a result of failing and retaking an English or mathematics course at the high school.

For ratings beginning in the 2007-2008 school year, based on tests administered in the 2006-2007 school year, the following guidance applies:

Students who fail the grades 3 through 7 reading and/or mathematics tests and participate in a remediation recovery program after being promoted to the next grade will not retake the failed test or tests.

Instead, if these remediation recovery students pass the tests at the next grade, their scores will be counted twice in the school's accreditation pass rate—once as part of the pass rate for the grade in which they are currently enrolled and a second time under remediation recovery. If a remediation recovery student fails the test, then the student's score is counted only once for the school's accreditation rating.

Students who fail either the grade 8 reading or mathematics test, or an end-of-course English or mathematics test, and participate in a remediation recovery program will continue to retake the applicable Standards of Learning (SOL) test at the next regularly scheduled administration.

The score of a remediation recovery student who passes the grade 8 or end-of-course reading or mathematics test will be counted in the school's pass rate for the purposes of accreditation. If a student retakes and passes the grade 8 or an end-of-course English or mathematics test under remediation recovery, the student's score will be counted twice, once for the purposes of accreditation and a second time as part of remediation recovery. If a remediation recovery student fails the retake of the grade 8 or end-of-course test, then the student's score is not counted for the school's accreditation rating.

STANDARD: 8 VAC 20-131-50. Requirements for Graduation

General Provisions

A. The requirements for a student to earn a diploma and graduate from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students shall be awarded a diploma upon graduation from a Virginia high school.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of 8 VAC 20-131-110.

The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the Board of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education, remain in effect until such time as the local school board submits a request to amend or discontinue them.

Guidance:

Standard 8 VAC 20-131-50 addresses the graduation requirements for students to earn the Standard, Advanced Studies, and Modified Standard diplomas. This regulation provides that the Board of Education's requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the Board of Education.

In accordance with the standards, the Board has approved a list of courses to satisfy graduation requirements for the Standard, Advanced Studies, and Modified Standard Diplomas. The list may be found at: <http://www.doe.virginia.gov/VDOE/Instruction/webcses.html#top>

Additional Graduation Credit Requirements

A. The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the Board of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education, remain in effect until such time as the local school board submits a request to amend or discontinue them.

Code of Virginia Requirements:

The Standards of Quality ([§ 22.1-253.13:4 of the Code of Virginia](#)) state the following:

“A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.”

Guidance:

Standard Diploma: Generally, the Board will approve requests from local school divisions to require up to two additional local credits to obtain the Standard Diploma, up to a maximum of 24 required credits.

Generally, the Board will approve local requests for additional graduation credit requirements in the core discipline areas of the Standards of Learning (English, mathematics, science or history/social science). For example, a local request to add one additional credit requirement in history and one in science would generally be approved, because that would not exceed a total graduation credit requirement of 24 and those credits are in the core disciplines.

Requests for additional local credits in disciplines outside the core discipline areas will be considered on a case-by-case basis. In evaluating requests for additional local graduation credits outside the core discipline areas, the Board generally may consider, among other criteria, a local school division's graduation and drop-out rates and its students' performance on the Standards of Learning tests.

Advanced Studies Diploma: Generally, the Board will approve requests from local school divisions for local additional credits required for the Advanced Studies Diploma above the 24 contained in the standards if the credits are in the discipline areas of English, mathematics, science, history/social studies, fine arts (including performing arts) or career and technical education, or foreign language. The Board will consider credits outside these disciplines on a case-by-case basis.

Transfer Students: Any local school division receiving approval to increase its course credit requirements may not deny either the Standard or Advanced Studies Diploma to any transfer student who has otherwise met the requirements contained in the standards, if the transfer student can only meet the division's requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he or she otherwise would have graduated.

Prospective Application / Advance Notice: A local school division's additional credit requirements should apply only to students who have not yet entered ninth grade at the time the additional credits are approved.

Allocation of Electives: Generally the Board will approve requests from local school divisions to allocate elective credits for local prescribed course requirements, while reducing the number of electives by an equal amount so that the total number of graduation credit requirements remains unchanged.

For the Standard Diploma, generally the Board will approve allocations of electives to prescribed credits in the core discipline areas of English, mathematics, science, or history/social studies. Requests to allocate electives for prescribed credits outside of the core disciplines will be considered on a case-by-case basis.

For the Advanced Studies Diploma, generally the Board will approve allocations of electives to prescribed credits in the discipline areas of English, mathematics, science, history/social studies, fine arts (including performing arts) or career and technical education, or foreign language. Requests to allocate electives for prescribed credits outside of these disciplines will be considered on a case-by-case basis.

Generally, in addition, a local school division may offer, as an option to students, the opportunity to pursue concentrated courses of study by taking related courses in a specialty area (for example, career and technical education, fine or performing arts), or to choose to take a variety of elective courses. Offering such options shall not require Board approval so long as choosing a particular concentration of elective courses is not mandatory for graduation.

Sequential Electives Required for Graduation with a Standard or Modified Standard Diploma

Code of Virginia Requirements:

The Standards of Quality ([§ 22.1-253.13:4.D.2 of the Code of Virginia](#)) require students who are pursuing the Standard Diploma or Modified Standard Diploma to complete at least two sequential electives. The statute states:

“The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board...”

Guidance:

“*Sequential electives*” means any series of courses that are used to fulfill the elective requirements for a Standard or Modified Standard Diploma in which the content increases or

expands in scope and sequence as students move through the various levels of the courses. To further assist local school divisions to ensure that students comply with the requirement, the following guidance is provided:

1. The requirement for students to complete two sequential electives became effective with the graduating class of 2003.
2. The two sequential electives may be in any discipline in as long as the courses are not specifically required for graduation in 8 VAC 20-131-50 of the standards.
3. Notwithstanding item 2 above, courses used to satisfy the one unit of credit in a fine or practical art required for the Standard or Modified Standard Diploma may be used to partially satisfy this requirement.
4. Guidance for sequential electives in career and technical education programs are available from the Department and can be found at:
<http://www.doe.virginia.gov/VDOE/Instruction/CTE/apg/>. Sequential elective information is available for the following programs of study:
 - ✓ Agricultural Education
 - ✓ Business and Information Technology
 - ✓ Family and Consumer Sciences Courses
 - ✓ Health and Medical Science Courses
 - ✓ Marketing Courses
 - ✓ Technology Education Courses
 - ✓ Trade and Industrial Education Courses
 - ✓ Career Connections Courses
5. A sequence that includes an exploratory course followed by an introductory course cannot be used to satisfy this requirement; however, an introductory course followed by another level of the same course of study can be used.
6. Students may take the focused sequence of elective courses in consecutive years or any two years of high school.

Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations

Requirements for both the Standard and Advanced Studies Diplomas:

FN5 A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education or other areas as prescribed by the board in 8 VAC 20-131-110.

Requirement for the Standard Diploma only:

FN6 Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (1) the student selected verified credit and (2) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

Guidance:

All additional tests used for this purpose must be approved by the Board of Education. This guidance shall be retroactive to students who first entered the ninth grade in 2003-2004.

Criteria for Awarding Student-Selected Verified Credit: Student-selected verified credit will be awarded for certification or licensure examinations that meet all of the following criteria:

- Industry certification or licensure examinations that are approved to satisfy the requirements for the Board of Education's Career and Technical Education Seal or the Board of Education's Seal of Advanced Mathematics and Technology will satisfy requirements for student-selected verified credits.
- The teacher and/or the career and technical education program must be certified by the issuing organization relative to the industry certification or license.
- A standard credit may not be verified more than once.

Earning Student-Selected Verified Credit: One student-selected verified credit will be awarded for passing each certification or licensure examination that meets all of the above criteria and the student earns one standard unit of credit only in the career and technical education concentration or specialization.

Two student-selected verified credits will be awarded for passing each certification or licensure examination that meets all of the above criteria; and

- The student meets the career and technical education concentration or specialization course requirements for program completer.
- The student earns at least two standard units of credit in the career and technical education concentration or specialization.
- The student may substitute one of these verified credits for a verified credit in either science or history/social science.

A list of credentials approved for this purpose may be found at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2005/inf236.html> and
<http://www.doe.virginia.gov/VDOE/Instruction/CTE/certification/list.pdf>

Literacy and Numeracy Requirements for the Modified Standard Diploma

Students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the Board.

Guidance:

Students who pursue the Modified Standard Diploma shall be required to attain a minimum score approved by the Board on the 8th grade Standards of Learning (SOL) tests in both English (Reading) and mathematics to meet the literacy and numeracy requirements for this diploma. Students may substitute a higher-level Standards of Learning test (i.e., end-of-course English [reading], Algebra I, Algebra II, or Geometry) for the 8th grade Standards of Learning (SOL) tests in English (Reading) and mathematics or other substitute tests approved by the Board. In addition, students pursuing the Modified Standard Diploma shall have opportunities for an expedited retest on the 8th grade (or higher level) tests in the same manner as prescribed in this guidance for students earning verified credit.

Diploma Seals

Students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better, and successfully complete college-level coursework that will earn the student at least 9 transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses shall receive the Governor's Seal on the diploma.

Guidance:

The requirements for the Governor's Seal have been revised to require a higher level of academic achievement. The standards stipulate that the requirements for graduation shall be

those in effect the first time a student enters the ninth grade. The requirements for diploma seals are included as part of the standards that outline the requirements for graduation. Thus, they become effective at the same time as the graduation requirements. The new requirements for the Governor's Seal is effective with the ninth-grade class of 2006-2007.

Information regarding requirements for the various seals may be found at:
<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm009.html>

STANDARD: 8 VAC 20-131-60. Transfer of Students

Transfer from a Nonpublic School

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated to determine appropriate grade placement in accordance with policies adopted by the local school board.

D. A secondary school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE). The Board of Education will maintain contact with the VCPE and may periodically review its accrediting procedures and policies as part of its policies under this section.

Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of 8 VAC 20-131-110 A.

Guidance:

The Standards of Quality, in § 22.1-253.13:4 of the *Code of Virginia*, require local school boards to make provisions for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Each local school board shall develop a policy for the transfer of students consistent with these standards.

Any student transferring to a Virginia public school from a nonpublic school accredited by a constituent member of the Virginia Council for Private Education (VCPE) shall receive credit for all grade level work completed in the nonpublic school. Information regarding constituent members of the VCPE can be found on this organization's Web site at: <http://www.vcpe.org/>. This guidance applies to grades K through 12.

When a student transfers from a nonpublic school that is not accredited by a constituent member of the VCPE, the receiving school shall make every reasonable effort to determine the level of achievement of students transferring in grades K through 8. If the receiving school is unable to determine the acceptability of prior work for the student to be placed in accordance with local school board policy, the school may consider using the results of any nationally-normed standardized test as a guide for grade placement.

At the secondary level, when a student transfers from a nonpublic school that is not accredited by a constituent member of the VCPE, if the receiving school staff is unable to determine that the courses for which the student has been awarded credit or, in the case of some students who have been home-schooled, or no credit was awarded, the receiving school may use the results of any nationally-normed standardized content specific test already taken by the student as a basis for awarding credit. Schools should refrain from using teacher-made tests because the transferring student has not been provided with the specific instruction for these tests that was made available at the receiving school. Schools may review course descriptions, lesson plans, tests, or other appropriate documentation from the student's previous school in making decisions regarding the acceptability of the standard units of credit.

The receiving school is not required to award a letter or numeric grade when accepting courses in transfer.

First-Time Transfer Students

G. Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in 8 VAC 20-131-50. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8 VAC 20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in 8 VAC 20-131-110 for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

1. For a Standard Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to 8 VAC 20-131-50; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.

2. For an Advanced Studies Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.

Guidance:

Graduation requirements for students entering a Virginia public high school for the first time are stated in 8 VAC 20-131-60 G. Students entering a Virginia high school for the first time during the tenth grade or later may benefit by having to earn a minimum number of verified credits for the Standard or Advanced Studies Diploma. The “first time” refers to the first time in a Virginia public high school in that grade regardless of where the student attended school in the ninth grade. Therefore, a student who entered a Virginia public high school in the ninth grade, transferred to another state, and returned to a Virginia public high school during those grades may be allowed to earn the Standard or Advanced Studies Diploma by meeting the criteria of 8 VAC 20-131-60 G.

Waiver of Verified Credit

H. Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision G1 c or G 2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies, or Modified Standard Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the Board of Education.

Guidance:

Local school boards, through the division superintendent, may request waivers of the verified credit requirement for students who may be eligible for such a waiver by providing a written request to the Department of Education no more than 90 calendar days prior to the student’s anticipated graduation date. The request for a waiver shall be submitted on forms provided by the Department of Education and shall include documentation that the student transferred from

outside the state within a time frame that would not allow the student to meet the reduced verified credit provisions of 8 VAC 20-131-60.G. of the standards and what efforts had been made to comply with the standards. An application form has been developed for this purpose which can be found at:

http://www.doe.virginia.gov/VDOE/Accountability/verified_credit_waiver_app.doc

STANDARD: 8 VAC 20-131-80. Instructional Program in Elementary Schools and STANDARD: 8 VAC 20-131-90. Instructional Program in Middle Schools

Physical Fitness

Instructional program in elementary schools

A. The elementary school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

Instructional program in middle schools

A. The middle school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and technical exploration, and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

Guidance:

Every school division should develop a local policy to ensure that each student participates in a program of physical fitness, whether it be through a physical education program offering at the school or another type of activity. It shall be up to each local school division to determine in its policy how to ensure student participation in such a program during the regular school year and to establish minimum time amounts for student participation. In their local policies, school divisions should establish a process for verifying and documenting student participation.

The goals for elementary students should focus on the achievement of a health-enhancing level of physical fitness. Elementary students become aware of health-related fitness components (cardio-respiratory endurance, muscular endurance, muscular strength, flexibility, and body composition) while engaging in a variety of physical activities. Middle school students continue to learn more about the components of fitness, how they are developed and improved, how they interrelate, and how they contribute to overall fitness.

Meeting the physical fitness requirements may be accomplished by either of the following:

- Requiring all students to take a sequential program of physical education that involves moderate to vigorous physical activity based on Virginia's Standards of Learning (SOL) as required by 8 VAC 20-131-80 and 8 VAC 20-131-90; or

- Requiring those students who do not take physical education to participate in:
 - ✓ Before- and after-school physical activity programs, such as intramurals, clubs, dance programs, community sports programs, and interscholastic athletics;
 - ✓ Other opportunities outside of the school such as an individual physical activity, which could include: 1) a student walking or bike riding outside of the school day; 2) student participation in a physical activity with a parent; 3) individual lessons in activities such as ballet; or 4) a student participating in a local fitness facility program; or
 - ✓ Joint school and community recreation activities that require physical activity.

The local policy should provide for the effective use of school and community resources and equitably serve the needs and interests of all students, taking into consideration age appropriateness, differences of gender, cultural norms, physical and cognitive abilities, students with disabilities, and fitness levels. Students who participate in effective physical fitness programs during the regular school year develop lifelong habits necessary to promote health and learning. Systemic, sustainable changes to fitness programs occur when schools, families, and communities engage to create health-promoting school environments.

The following information is provided to school divisions as resources available for use in developing a policy for physical fitness:

Virginia Department of Education Health Education, Physical Education, and Driver Education Web site: <http://www.doe.virginia.gov/VDOE/Instruction/PE/>

Joint Committee of the Board of Education and Board of Health Final Report, September 2004: http://www.doe.virginia.gov/VDOE/VA_Board/BOE-BOH-Report.pdf

Governor's Healthy Virginians Web site: <http://www.healthyvirginians.virginia.gov/index.cfm>

Scorecard for the Governor's Nutrition and Physical Activity and Program: <http://www.virginia.gov/doe/login.html>

Superintendent's Memo No. 7, May 20, 2005, Local Wellness Policy Requirement: <http://www.doe.virginia.gov/VDOE/suptsmemos/2005/reg007.html>

Foreign Language and Algebra I

C. Level one of a foreign language and an Algebra I course shall be available to all eighth grade students. For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course in accordance with policies adopted by the

local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Nothing in these regulations shall be construed to prevent a middle school from offering any other credit-bearing courses for graduation.

Guidance:

Local school boards shall offer foreign language and Algebra I courses to students in the eighth grade. Nothing in the standards prevents schools from offering these courses to other grades in that school. The standards require that when students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level.

STANDARD: 8 VAC 20-131-110. Standard and Verified Units of Credit

Locally-Awarded Verified Credit

3. Beginning with the ninth grade class of 2003-2004 and beyond students who do not pass Standards of Learning tests in science or history and social science may receive locally-awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the Board of Education.

Also, students must have taken a Standards of Learning test in a subject area twice before being able to access this process.

Guidance:

The awarding of verified credit using this process applies only for the Standard Diploma retroactive to the ninth-grade class of 2003-2004. This process does not apply to awarding verified credit for an Advanced Studies Diploma.

No more than four verified credits may be awarded through this process and these may not be used to award verified credits for the Advanced Studies Diploma.

The award of verified credits under this guidance will not be used to recalculate a school's accreditation rating.

To be eligible to earn locally awarded verified credits in science, or history/social science under this guidance, a student must:

- Pass the high school course,
- Score within a 375-399 scale score range on any administration of the Standards of Learning test after taking the test at least twice, and
- Demonstrate achievement in the academic content through an appeal process administered at the local level.

The Board of Education requires that local school boards adopt policies to govern procedures used to award local verified credit. The appeal process will include:

- The appointment by the local school board of a local review panel comprised of at least three educators. Different panels may be appointed for individual schools or groups of schools, at the local school board's discretion.
- The local review panel will review information that provides evidence of the student's achievement of adequate knowledge of the Standards of Learning content. The panel shall have discretion in determining the information to be considered and may include, but not be limited to, results of classroom assessments, divisionwide exams, course grades, and additional academic assignments (e.g., papers, projects, essay or written questions) as deemed appropriate.

- Based on the evidence reviewed, the local review panel may award the verified credit, deny the verified credit, suggest participation in a remedial program and retesting, or make additional academic assignments as deemed appropriate prior to determining whether to award the verified credit.

Mastery of Course Content and Objectives

2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

Guidance:

The division superintendent shall be responsible for identifying the manner in which students demonstrate mastery of course content and objectives for the purposes of this standard. Documentation of such mastery shall be maintained in the student's permanent record.

Expedited Retake

The Board will provide opportunities for students who meet criteria adopted by the Board to have an expedited retake of an end-of-course SOL test to earn verified credit.

Guidance:

The Board of Education has approved the following criteria for students eligible for an expedited retake of an end-of-course Standards of Learning test:

The student must: need the test for verified credit, have passed the course associated with the test, and have met one of the following:

- Failed the test by a narrow margin, or
- Failed the test by any margin and have extenuating circumstances that would warrant retesting, or
- Did not sit for the regularly scheduled test for legitimate reasons.

The “narrow margin” criterion shall be defined as a scaled score of 375-399. The division superintendent will be responsible for making the determination of what constitutes “extenuating circumstances” and “legitimate reasons” for the purposes of establishing eligibility for an expedited retest of an end-of-course Standards of Learning test.

Students pursuing the Modified Standard Diploma shall have opportunities for an expedited retest on the 8th grade (or higher level) tests in the same manner as prescribed in this guidance for students earning verified credit.

Alternative Provisions for Awarding Verified Credit

C. The Board of Education may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

- 1. The test must be standardized and graded independently of the school or school division in which the test is given;*
- 2. The test must be knowledge based;*
- 3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and*
- 4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.*

The Board of Education will set the score that must be achieved to earn a verified unit of credit on the additional test options.

Guidance:

The Board of Education will accept content-based high school end-of-course tests administered as a part of another state's accountability system for the purpose of awarding verified credit to students who transfer to Virginia public schools. When students transfer to a Virginia public school from a state that requires such high school end-of-course tests, the local school division may automatically accept the student's passing score on the test and the corresponding course for the purposes of awarding verified credit

When students transfer to a Virginia public school from a state that requires a comprehensive subject area examination as a prerequisite for graduation from high school, the Department of Education, at the request of the division superintendent, will review the examination to determine its suitability for use to award verified credit in the same manner as other substitute tests have been reviewed and recommended for approval. In order for a test to be deemed suitable for use, the test must be approved as part of another state's accountability system and approved through the federal standards and assessment peer review process. Such requests shall be submitted by the division superintendent within 30 days of receipt of the student's record.

The Board of Education may delegate the authority for final approval of these tests to the Superintendent of Public Instruction.

The Board of Education has approved a list of tests acceptable as substitutes for end-of-course Standards of Learning tests and passing scores for those tests. Substitute Tests for Verified Credit may be found at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2002/inf079a.pdf>

STANDARD: 8 VAC 20-131-150. Standard School Year and School Day

A. The standard school year shall be 180 instructional days. The standard school day for students in grades 1 through 12 shall average at least 5-1/2 instructional hours, excluding breaks for meals and recess, and a minimum of three hours for kindergarten.

Guidance:

Section 22.1-79.1 of the *Code of Virginia* states the following: “C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through twelve and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.”

The Board of Education is not required to approve an alternative schedule. Local school boards shall ensure that the minimum instructional day shall be at least five and one half instructional hours for grades one through twelve and a minimum instructional day of three hours for kindergarten. In addition, the instructional hour requirements in the four academic areas as outlined in 8 VAC 20-131-80, 8 VAC 20-131-90 and 8 VAC 20-131-110 must be met.

STANDARD: 8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements

E. The middle school classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 30 class periods per week. Beginning with the academic year 2008-2009 a middle school classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week.

F. The secondary classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week. Teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day, an appropriate contractual arrangement and compensation shall be provided.

G. Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

H. Notwithstanding the provisions of subsections E, F, and G each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

The standards noted above were established based on the funding formula in the Standards of Quality. The Standards of Quality, in § 22.1-253.13:2.C. require that “school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.” Language in this section of the standards reflects the intent of the Standards of Quality.

Guidance:

The amount of time allocated for the unencumbered planning period should be based on the length of an instructional day in minutes regardless of the scheduling configuration used by the school.

STANDARD: 8 VAC 20-131-280. Expectations for School Accountability

Calculating Accreditation Ratings of Schools

B. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 as specified below:

1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school, with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.

2. The number of students who successfully complete a remediation recovery program.

3. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or additional tests approved by the Board of Education as outlined in 8 VAC 20-131-110 are administered, will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

Guidance:

Accreditation ratings awarded in an academic year are based upon test scores from the academic year immediately prior to the year to which the rating applies. A school's accreditation rating reflects overall achievement in English, mathematics, science, and history/social science. Schools in which students meet or exceed achievement benchmarks established by the Board of Education in these four major content areas are eligible to be rated as fully accredited.

In calculating accreditation ratings, allowances are made for certain transfer students, students who speak little or no English, and students who pass retakes of tests after receiving remedial instruction. These allowances result in adjusted pass rates, which are used to determine accreditation ratings. In some cases, all of the tests given in a subject area at different grade levels in a school may be combined to calculate one overall pass rate in the subject for the entire school.

Accreditation Ratings Awarded in 2006-2007 Based Upon Tests Administered in 2005-2006:

High schools and middle schools are eligible to be rated fully accredited if students achieve adjusted pass rates of 70 percent or above in all four content areas. A combined adjusted pass rate of at least 75 percent on English tests in grades 3 and 5 is required for full accreditation eligibility at the elementary school level, and for other schools with students in these grades. For grade 4, the adjusted pass rate for English tests is at least 70 percent for 2006-2007 only.

Elementary schools also must achieve an adjusted pass rate of at least 70 percent in mathematics and in grade 5 science and grade 5 history, and pass rates of at least 50 percent in grade 3 science and grade 3 history. The following table illustrates the benchmarks for 2006-2007 ratings:

| <u>Subject</u> | <u>Grade 3</u> | <u>Grade 4 (2006-2007 Ratings only)</u> | <u>Grade 5</u> | <u>Grades 6-12</u> |
|------------------------|-----------------------|--|-----------------------|---------------------------|
| English | 75% | 70% | 75% | 70% |
| Mathematics | 70% | 70% | 70% | 70% |
| Science | 50% | - | 70% | 70% |
| History/Social Science | 50% | - | 70% | 70% |

For those schools with grade configurations where multiple pass rates apply, the test results may be combined in each of the four core areas provided the school chooses to meet the higher pass rate.

Superintendent's memo regarding pass rates for reading and mathematics for the 2006-2007 school year may be accessed at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf048.html>

Accreditation Ratings Awarded in 2007-2008, 2008-2009, and 2009-2010 Based Upon Tests Administered in 2006-2007, 2007-2008, and 2008-2009: High schools and middle schools are eligible to be rated fully accredited if students achieve adjusted pass rates of 70 percent or above in all four content areas. A combined adjusted pass rate of at least 75 percent on English tests in grades 3 through 5 is required for full accreditation eligibility at the elementary school level, and for other schools with students in these grades. Elementary schools also must achieve an adjusted pass rate of at least 70 percent in mathematics and in grade 5 science and grade 5 history, and pass rates of at least 50 percent in grade 3 science and grade 3 history. The following table illustrates these benchmarks for ratings awarded in 2007-2008 through 2009-2010:

| <u>Subject</u> | <u>Grade 3 & 4</u> | <u>Grade 5</u> | <u>Grades 6-12</u> |
|------------------------|-------------------------------|-----------------------|---------------------------|
| English | 75% | 75% | 70% |
| Mathematics | 70% | 70% | 70% |
| Science | 50% | 70% | 70% |
| History/Social Science | 50% | 70% | 70% |

For those schools with grade configurations where multiple pass rates apply, the test results may be combined in each of the four core areas provided the school chooses to meet the higher pass rate.

Accreditation Ratings Awarded Beginning in 2010-2011 Based Upon Tests Administered Beginning in 2009-2010: For all grades (K through 12), the pass rates shall be at least 75 percent in English and 70 percent in mathematics, science, and history/social science.

The following table illustrates these benchmarks for ratings awarded in 2010-2011 and beyond:

| <u>Subject</u> | <u>All Grades</u> |
|------------------------|--------------------------|
| English | 75% |
| Mathematics | 70% |
| Science | 70% |
| History/Social Science | 70% |

Waivers for Special Purpose Schools

- A. *Subject to the provisions of 8 VAC 20-131-330, the governing school board of special purpose schools such as those provided for in § 22.1-26 of the Code, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.*

Guidance:

Schools described in this standard are those that serve as a student's school of principal enrollment and where students are reported in fall membership for the school. Fall membership determines whether or not these schools are subject to the provisions of these standards; therefore, schools reporting fall membership are subject to the provisions of the standards.

In accordance with the provisions of 8 VAC 20-131-330 of the standards, local school boards may seek waivers of provisions of the standards to address the unique needs of special purpose schools. Such requests may include an alternative accreditation plan. Applications must be submitted to the Board for consideration at least ninety days prior to August 1 of the school year. Requests for consideration must be accompanied by information that documents the need for approval of the request. The chair of the local school board and the division superintendent are expected to be in attendance at the Board of Education meeting when the proposal is considered.

As part of the approval process, the Board of Education will consider the following criteria:

Alternative Accreditation Accountability Criteria

1. The mission, purpose, and target population of the school justify its categorization as a "special purpose" school and, therefore, the school is eligible to request an alternative accreditation plan.

2. The characteristics and special needs of the student population are clearly defined, and the criteria for student placement require parental consultation and agreement.
3. The program of instruction provides all students with opportunities to study a comprehensive curriculum that is customized to support the mission of the school and the student population's success in achieving the Standards of Learning.
4. The school provides transition planning to help students be successful when they return to a regular school setting.
5. Strategies used to evaluate student progress are aligned to the mission/purpose of the school and include standards-based academic achievement measures.
6. Convincing evidence has been provided that students who are enrolled in the school have not been successful in other schools subject to all the accrediting standards.
7. Students will be taught by highly qualified teachers who meet the Board of Education's licensure requirements for instructional personnel.
8. Rationale and documentation provide convincing evidence that the "special purpose" nature of the school precludes its being able to reach and maintain full accreditation status as defined in these standards.
9. Alternative accreditation criteria described in the plan include academic achievement measures that are objective, measurable, and directly related to the mission and purpose of the school.
10. The plan includes use of statewide assessment student achievement results of English and mathematics.
11. The plan meets the testing requirements of these standards.
12. The plan meets the testing requirements of the federal *No Child Left Behind Act of 2001* (NCLB) and describes how the school plans to meet "adequate yearly progress" requirements of the federal law.
13. The plan provides convincing evidence that all pre-accreditation eligibility criteria are met for standards in which waivers have not been requested.
14. Waivers have been requested for accrediting standards that are not being met, and the rationale for the waivers are clear and appropriate for the mission/purpose of the school.

STANDARD 8 VAC 20-131-290. Procedures for Certifying Accreditation Eligibility

Experimental or Innovative Programs

D. With the approval of the local school board, local schools seeking to implement experimental or innovative programs, or both, that are not consistent with these standards shall submit a waiver request, on forms provided, to the board for evaluation and approval prior to implementation. The request must include the following:

- 1. Purpose and objectives of the experimental/innovative programs;*
- 2. Description and duration of the programs;*
- 3. Anticipated outcomes;*
- 4. Number of students affected;*
- 5. Evaluation procedures; and*
- 6. Mechanisms for measuring goals, objectives, and student academic achievement.*

Except as specified below, the board may grant, for a period up to five years, a waiver of these regulations that are not mandated by state or federal law or designed to promote health or safety. The board may grant all or a portion of the request. Waivers of requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be approved for a program which would violate the provisions of the Standards of Quality.

Guidance:

This standard allows school boards to apply for approval of experimental or innovative programs that are not consistent with these standards. The Board may grant approval of such programs for up to five years; however, the regulations prohibit the Board from granting waivers to requests that do not meet the requirements of 8 VAC-20-131-30 - Student Achievement Expectations, 8 VAC 20-131-50 - Requirements for Graduation, 8 VAC 20-131-70 - Program of Instruction and Learning Objectives, and/or 8 VAC 20-131-280 through 340 - School Accreditation.

In 1998, the Board adopted the following definitions for experimental and innovative programs:

"An experimental program shall be a program which is operated under controlled circumstances and which is designed to test and to establish, by objective measures, the positive cognitive effect of an Educational theory."

"An innovative program shall be a program shown to produce a positive educational effect but which does not meet standard operating or procedural requirements."

STANDARD: 8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation

Academic Review

A. With such funds as are appropriated by the General Assembly, the Department of Education shall develop a school academic review process and monitoring plan designed to assist schools rated as Accredited with Warning. All procedures and operations for the academic review process shall be approved and adopted by the board.

Guidance:

Schools rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310 F. The school-level academic review is designed to help schools identify and analyze instructional and organizational factors affecting student achievement. The focus of the review process is on the systems, processes, and practices that are being implemented at the school and division levels.

The school-level academic review process is tailored to meet the unique needs and circumstances presented by the school. The first year that a school is rated “accredited with warning” an academic review team conducts a comprehensive review of the areas related to the systems, processes, and practices that are being implemented at the school and division levels as indicated above. Throughout the school’s continued status in warning, the academic review process is designed to monitor the implementation of the school improvement plan and provide technical assistance to support the school’s improvement efforts.

The division superintendent may request that the school division be allowed to conduct their own academic review process of schools accredited with warning, using their own established processes. Such requests must be sent to the Superintendent of Public Instruction for approval. The request must show that the proposed process and areas of review address the components of the school-level academic review process approved by the Board of Education.

School Improvement Plan

Schools rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310 F.

B. Any school that is rated Accredited with Warning in English or mathematics shall adopt a research based instructional intervention that has a proven track record of success at raising student achievement in those areas as appropriate.

C. The superintendent and principal shall certify in writing to the Board of Education that such an intervention has been adopted and implemented.

D. The board shall publish a list of recommended instructional interventions, which may be amended from time to time.

E. Adoption of instructional interventions referenced in subsections B and D of this section shall be funded by eligible local, state, and federal funds.

F. A three-year School Improvement Plan must be developed and implemented, based on the results of an academic review of each school that is rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation upon receipt of notification of the awarding of this rating and receipt of the results of the academic review. The plan:

1. Shall be developed with the assistance of parents and teachers and made available to the public;

2. Must include the components outlined in subsection G of this section; and

3. Must be approved by the division superintendent and the local school board and be designed to assist the school in meeting the student achievement standard to be Fully Accredited as outlined in 8 VAC 20-131-300.

G. The improvement plan shall include the following:

1. A description of how the school will meet the requirements to be Fully Accredited, for each of the years covered by the plan;

2. Specific measures for achieving and documenting student academic improvement;

3. A description of the amount of time in the school day devoted to instruction in the core academic areas;

4. Instructional practices designed to remediate students who have not been successful on SOL tests;

5. Intervention strategies designed to prevent further declines in student performance;

6. Staff development needed;

7. Strategies to involve and assist parents in raising their child's academic performance;

8. The need for flexibility or waivers to state or local regulations to meet the objectives of the plan; and

9. A description of the manner in which local, state, and federal funds are used to support the implementation of the components of this plan.

As part of its approval of the school improvement plan, the board may grant a local school board a waiver from the requirements of any regulations promulgated by the board when such a waiver is available.

H. The school improvement plan and related annual reports submitted to the board shall provide documentation of the continuous efforts of the school to achieve the requirements to become rated Fully Accredited. The board shall adopt and approve all policies and formats for the submission of annual reports under this section. The reports shall be due no later than October 1 of the school year.

Guidance:

In accordance with these standards, three-year school improvement plans developed by schools Accredited with Warning must be submitted to the Department no later than October 1 of the school year. If a local school board determines that waivers of state or local regulations are necessary to meet the goals and objectives of the plan, an application for a waiver must be submitted no later than June 1. This will allow the Board of Education to consider the waiver prior to the local school board's final approval and submission of the improvement plan to the Department.

Additional information can be found on the Department's Web site under School Improvement at: <http://www.doe.virginia.gov/VDOE/SchoolImprovement/>, including two links on this Web page titled: "Suggested format for three-year school improvement plans (Word document)" and "October 1 Status Report directions and suggested format (Word document)."

STANDARD: 8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation

School Division Requirements

A. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:

- 1. Written notice of the school's accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;*
- 2. A copy of the school division's proposed corrective action plan, including a timeline for implementation, to improve the school's accreditation rating; and*
- 3. An opportunity to comment on the division's proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school's corrective action plan and a Board of Education memorandum of understanding with the local school board.*

Guidance:

Interested parties are stakeholders that are identified by the local school board and should include the local governing body.

The Department shall notify the school division of its accreditation rating. If the division determines that the rating may be inaccurate, the division superintendent shall notify the Department. The process of notifying students, parents, and interested parties of the "Accreditation Denied" rating as well as the development of a corrective action plan should begin when ratings are released.

In the corrective action plan submitted to the Board of Education, the division/school must provide evidence that the three requirements in 8 VAC 20-131-315 A have been met. Evidence includes, but is not limited to: 1) a copy of the written notice provided to parents, students, and interested parties of the school's rating to include the date of the release of the notice; 2) information regarding the prominent posting on a school division's Web site of the corrective action plan and evidence that this plan is available in hard-copy form upon request; and 3) a description of the public comment process along with a summary of public comments received.

Memorandum of Understanding

B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school

board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded.

The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.

The memorandum of understanding may also include but not be limited to:

- 1. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.*
- 2. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.*

Guidance:

Memorandum of Understanding (MOU) Preparation: The Memorandum of Understanding (MOU) is signed by the President of the state Board of Education, the chairman of the local school board, the division superintendent, and the Superintendent of Public Instruction. The Board of Education's review and approval process for each MOU may include a review by a committee of the Board, approval by the full Board and signatures of the President of the Board of Education and the Superintendent of Public Instruction on each MOU. The Board may also delegate the review and final approval of each MOU to the President of the Board of Education and the Superintendent of Public Instruction.

The contents of the MOU will vary depending upon: 1) the unique characteristics of the school; 2) the causes for its "Accreditation Denied" rating; 3) the goals to improve student achievement for the particular school; and 4) the goals to reach full accreditation.

The corrective action plan should address the following:

- ✓ What is the current status of the school and what are the areas of deficiency?
- ✓ What is the long-range vision for the school?
- ✓ What goals, objectives, and strategies will be used to get the school to full accreditation?
- ✓ What is the projected time line to accomplish the goal of full accreditation? Why was this particular time line chosen?
- ✓ How will the school maintain full accreditation status once obtained?

The Department's School Improvement Office offers technical assistance documents to assist schools and school divisions with the development and evaluation of corrective action plans submitted to the Board that would become the basis for the MOU.

Status Reports Prescribed by the MOU: The local board shall submit status reports detailing implementation of actions prescribed by the MOU to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present these status reports.

Each status report provided needs to outline school progress in accordance with the goals and objectives outlined in the MOU. These reports shall be submitted to the Board of Education on a quarterly basis from the date of approval of the MOU unless otherwise specified.

Other Elements for Inclusion in the MOU: The MOU may also include but not be limited to:

1. Provisions for the school undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.
2. Employment of a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

Reconstitution

C. As an alternative to the memorandum of understanding outlined in subsection B, a local school board may choose to reconstitute a school rated Accreditation Denied and apply to the Board of Education for a rating of Conditionally Accredited. The application shall outline specific responses that address all areas of deficiency that resulted in the Accreditation Denied rating and may include any of the provisions of subsection B.

“Reconstitution” means a process that may be used to initiate a range of accountability actions to improve pupil performance, curriculum, and instruction to address deficiencies that caused a school to be rated Accreditation Denied which may include, but not be limited to, restructuring a school’s governance, instructional program, staff or student population.

Guidance:

Any local school board applying for a “Conditionally Accredited” rating must appear before the Board to make this request and present evidence that such reconstitution is designed to improve student achievement and result in a “Fully Accredited” rating. Evidence must, at a minimum,

include, but not be limited to, outlining the specific target areas within the reconstituted school structure and how these areas in the reconstituted structure address the deficiencies that caused the school to be rated “Accreditation Denied.” The Board expects that such requests will be received within 45 days of the notification of the rating.

If a local school board chooses to reconstitute a school, it may annually apply for an accreditation rating of “Conditionally Accredited” as provided for in 8 VAC 20-131-300.D.6. The “Conditionally Accredited” rating may be granted for a period not to exceed three years if the school is making progress toward a rating of “Fully Accredited” in accordance with the terms of the Board’s approval of the reconstitution application. The school shall revert to a status of “Accreditation Denied” if it fails to meet the requirements to be rated “Fully Accredited” by the end of the three-year term or if it fails to have its annual application for such rating renewed.

Closing a School

D. The local school board may choose to close a school rated Accreditation Denied or to combine such school with a higher performing school in the division.

Guidance:

The Office of Data Administration within the Department of Education has procedures already in place for closing or combining schools. Additional information may be found at:
<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm021.html>.

Annual Reports

E. A local school board that has any school with the status of Accreditation Denied shall annually report each school’s progress toward meeting the requirements to be rated Fully Accredited to the Board of Education. The local board shall submit such report in a manner prescribed by the Board of Education no later than October 1 of each year. Such reports on each school’s progress shall be included in the Board of Education’s annual report on the condition and needs of public education to the Governor and the General Assembly...

Guidance:

The annual progress report should be a summary of progress for the previous school year that provides information on the school’s efforts toward meeting the goals and objectives of the MOU. The chairman of the local school board may be asked to appear before the Board should this report not be submitted by the October 1 deadline.

Board of Education Agenda Item

Item: _____ N. _____

Date: September 27, 2006

Topic: First Review of A Plan to Identify Provisions of the *No Child Left Behind Act of 2001* That Are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program (HB 1427 and SB 410) and The Federal No Child Left Behind Act Waiver and Exemption Requests Made by the Virginia Board of Education (HB 1428)

Presenter: Dr. Linda Wallinger, Assistant Superintendent for Instruction

Telephone Number: (804) 225-2034

E-Mail Address: Linda.Wallinger@doe.virginia.gov

Origin:

____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

____ Board of Education regulation

____ Other: _____

X Action requested at this meeting ____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

____ Previous review/action

date _____

action _____

Background Information:

House Bill (HB) 1427 and Senate Bill (SB) 410 directed the Board of Education to develop a plan to identify provisions of the *No Child Left Behind Act of 2001* (NCLB) that are not integral or necessary to the Commonwealth of Virginia's statewide educational program. The bills also requested that the Virginia Attorney General's office provide information related to the cost of noncompliance of certain provisions of NCLB. The attached report provides the requested information in HB 1427 and SB 410.

House Bill (HB) 1428 encouraged the Virginia Board of Education to request certain waivers and exemptions to the requirements of NCLB. In March 2006, the Board approved and submitted the waiver requests to the United States Department of Education (USED). The attached report provides a summary of the requests and USED's response.

Summary of Major Elements:

Through a focused statewide educational reform effort, Virginia has had a rigorous set of content standards in the Standards of Learning (SOL) program and accompanying assessment system for over ten years. As a result, Virginia supports the primary goal and basic tenets of NCLB since they are in direct alignment with the system of standards and accountability already established in the state. The challenges Virginia faces in meeting the requirements of NCLB relate to the policies and procedures required by USED in implementation of the components of the law. Virginia believes that certain policies and procedures have resulted in unintended consequences and are not representative of sound educational practice. These unintended consequences have served as the foundation for Virginia's requests for flexibility to USED on an annual basis since 2003.

Since the passage of NCLB, Virginia has been blending the requirements of NCLB with its accountability system. This alignment has created confusion among state and local administrators as well as the public. Schools that meet one accountability rating may not meet the other, leading to misperceptions about the quality of educational programs in Virginia's schools.

The overall challenges Virginia has faced in implementation of the legislation described in the report are summarized below.

- The testing policies and assessment instruments required for use with students with disabilities (SWD) and limited English proficient (LEP) students.
- The criteria for determining highly qualified teachers (HQT) and interpretation of the highly qualified criteria in the law.
- The criteria to identify schools and divisions for school improvement and the accompanying sanctions.
- The administrative burden that has been placed on the state and local school divisions in reporting the data requirements as specified under the law.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the report to the Governor and General Assembly on the Plan to Identify Provisions of the *No Child Left Behind Act of 2001* That Are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program in response to HB 1427 and SB 410 and The Federal No Child Left Behind Act Waiver and Exemption Requests Made by the Virginia Board of Education in response to HB 1428.

Impact on Resources:

The responsibility can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibility related to this activity, other services may be impacted.

Timetable for Further Review/Action:

Following approval, the report will be forwarded to the Governor and General Assembly as required by HB 1427, SB 410, and HB 1428.



VIRGINIA BOARD OF EDUCATION

REPORT TO THE GENERAL ASSEMBLY

Report to the Governor and General Assembly on
A Plan to Identify Provisions of the *No Child Left Behind*
***Act of 2001* That Are Not Integral or Necessary to the**
Commonwealth of Virginia's Statewide Educational
Program (HB 1427 and SB 410)

and

The Federal No Child Left Behind Act Waiver and
Exemption Requests Made by the Virginia Board of
Education (HB 1428)

PRESENTED TO

VIRGINIA BOARD OF EDUCATION

SEPTEMBER 27, 2006

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Plan to Identify Provisions of the *No Child Left Behind Act of 2001* That Are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program (HB 1427 and SB410)

Virginia's Challenges in Implementing the *No Child Left Behind Act of 2001*

Through a focused statewide educational reform effort, Virginia has had a rigorous set of content standards in the Standards of Learning (SOL) program and accompanying assessment system for over ten years. As a result, Virginia supports the primary goal and basic tenets of the *No Child Left Behind Act of 2001* (NCLB) since they are in direct alignment with the system of standards and accountability already established in Virginia. The following list shows the components of NCLB that are in direct alignment with Virginia's established system of standards and accountability:

- A statewide goal of requiring all students to achieve proficiency in academic content standards and graduate from high school.
- Rigorous academic content standards and assessments.
- A statewide system of support for low-performing divisions and schools.
- Rigorous teacher licensing requirements to ensure highly qualified teachers.
- Reporting of state, school, and division academic achievement through a Web-based report card.

The challenges Virginia faces in meeting the requirements of NCLB relate to the policies and procedures required by the United States Department of Education (USED) in implementing the components of the law. Virginia believes that certain policies and procedures have resulted in unintended consequences and are not representative of sound educational practice. These unintended consequences have served as the foundation for Virginia's requests for flexibility to USED on an annual basis since 2003. Additionally, Virginia has worked collaboratively with other states through the Council of Chief State School Officers (CCSSO) to develop position papers related to these unintended consequences for the purpose of influencing USED's interpretation of the statute as well as the scheduled 2007 reauthorization of the law.

NCLB is not a new federal program; rather, it is the reauthorization of the Elementary and Secondary Education Act (ESEA) that has provided federal funds to states and localities since the 1960s. However, the 2001 reauthorization known as the *No Child Left Behind Act of 2001* imposed additional requirements on state and local programs. In an effort to assist states in meeting new requirements, additional federal funds were allocated to help states expand student achievement testing and invoke sanctions if benchmarks were not achieved.

NCLB requires each state that accepts the federal funds to implement a single statewide accountability system. In Virginia, the requirements of NCLB have been aligned with the state's well-established system of assessment, accountability, and support. One of the major challenges in aligning the two systems has been addressing the differences between the existing state accreditation procedures and the federal measure of Adequate Yearly Progress (AYP). As a result, since the passage of NCLB, Virginia has been blending the requirements of NCLB with its accountability system. This alignment has created confusion among state

and local administrators as well as the public. Schools that meet one accountability rating may not meet the other, leading to misperceptions about the quality of educational programs in Virginia's schools.

The overall challenges Virginia has faced in implementing the federal legislation are outlined below.

- The testing policies and assessment instruments required for use with certain students with disabilities (SWD) and limited English proficient (LEP) students.
- The criteria for determining highly qualified teachers (HQT) and interpretation of the highly qualified criteria in the law.
- The criteria to identify schools and divisions for "improvement status" and the accompanying sanctions.
- The administrative burden that has been placed on the state and school divisions in reporting the data requirements as specified under the law.

Plan of Action to Identify Provisions of the *No Child Left Behind Act of 2001* That Are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program

The Virginia Board of Education will continue to work with other states and organizations to influence the scheduled 2007 reauthorization of NCLB such that it contains provisions that do not result in unintended consequences and inferior educational practice. Virginia has made every effort to comply with the federal law while at the same time requesting that USED recognize the already-established rigorous educational system in Virginia that has produced demonstrable progress in student achievement. Since approval of its first Consolidated State Application and Accountability Workbook, Virginia has sought to negotiate more tenable terms by submitting regular requests for flexibility in implementation of the requirements as permitted under the law. The Commonwealth has had minimal success in receiving approval from USED for flexibility. Thus, this plan of action is based on the flexibility requests submitted to and denied by USED as Virginia implements the provisions of NCLB. All of these requests have been made to eliminate unintended consequences and ensure sound educational practices.

The following plan of action outlines events that have already occurred and steps the Virginia Board of Education and the Virginia Department of Education will take to attempt to establish provisions of NCLB that are tenable within Virginia's accountability system.

| Date | Activity |
|-----------------------|--|
| Spring 2003 - Present | The Virginia Board of Education submitted requests for flexibility in implementation of NCLB on an annual basis to USED based on areas of the law that resulted in unintended consequences for instruction and are not the best educational practices. |

| Date | Activity |
|---------------------------|--|
| Spring 2003 - Present | The Virginia Board of Education and the Virginia Department of Education worked with the Council of Chief State School Officers (CCSSO) to support nationwide requests for flexibility in implementing NCLB through lobbying efforts and various position papers. |
| Fall 2004 – Present | The Virginia Department of Education submitted concerns and recommendations related to NCLB to Virginia’s Congressional delegation. |
| Spring 2006 - Present | The Virginia Board of Education and the Virginia Department of Education worked with CCSSO to draft a position paper related to key areas of the legislation that need to be changed in the reauthorization of NCLB. |
| Summer 2006 – Spring 2007 | The Virginia Board of Education and the Virginia Department of Education will continue to consult with the Virginia Office of the Attorney General regarding the fiscal impact associated with noncompliance of certain aspects of NCLB. |
| Summer/Fall 2006 | The Virginia Board of Education School and Division Accountability Committee and the Virginia Department of Education prepared a report for approval by the full Board of Education as required by HB 1427, SB 410, and HB 1428 of the 2006 General Assembly. |
| Fall 2006 | <p>The Virginia Board of Education and the Virginia Department of Education will work with other states and organizations to further define provisions of the <i>No Child Left Behind Act of 2001</i> that are impractical or are poor instructional and policy practices.</p> <p>The Virginia Department of Education will submit concerns and recommendations to Virginia’s Congressional delegation with a request to influence the reauthorization of NCLB to reflect Virginia’s position.</p> |
| Winter 2007 | The Virginia Board of Education and the Virginia Department of Education will monitor the progress of the NCLB reauthorization and provide information to the Governor and the General Assembly as needed or requested. |
| Late Fall 2007 | The Virginia Department of Education will work with the Attorney General’s office to determine next steps depending on the progress and outcome of the reauthorization process. |

Estimate of Costs Associated with Legal Services

In the event a decision is made not to implement certain requirements as prescribed in the law, the Virginia Board of Education will continue to work with the Office of the Attorney General to determine financial implications. The Office of the Attorney General will provide an estimate of the costs associated with legal services under separate cover if the elimination of any requirements in NCLB results in withholding of Title I administrative funds.

Virginia's Journey to Educational Reform and Accountability

Many of the provisions of NCLB are not totally new to Virginia. The Commonwealth has a ten-year history of increasing accountability for student performance. In 1995, Virginia began a journey to educational reform that resulted in revised, more rigorous content Standards of Learning, accompanied by an assessment program in grades 3, 5, 8, and in certain high school courses. Throughout the process, broad public input has indicated support of the educational reform, and results from both Standards of Learning tests and third party indicators, such as the National Assessment of Educational Progress, SAT scores, and Advanced Placement test scores, have indicated that student achievement is steadily increasing.

The Board of Education has taken a special interest in following the progress of low-performing schools and school divisions, with regular reports on how they are implementing their school improvement plans. The Standards of Quality have been amended to allow the Board to take additional action to seek compliance with school laws pursuant to the relevant provisions in the *Code of Virginia* for a school division that will not or cannot implement its school improvement plan in an effective manner that results in improvement trends for all schools in its jurisdiction. (§ 22.1-253.13:8 of the *Code of Virginia*)

Special Programs for Low-Performing Schools

Virginia's governor and Board of Education have established several programs and processes that provide additional support to schools and school divisions that have been slow to meet acceptable accountability benchmarks. Prior to NCLB, Virginia had an accountability system in place through the Board of Education's Standards of Accreditation (SOA) and accredited its public schools based on benchmarks of student performance on Standards of Learning. The Department of Education has been conducting academic reviews for divisions that have difficulty meeting accreditation benchmarks. To strengthen the academic review process, beginning with the 2004-2005 school year, the state implemented a new system of conducting academic reviews, consisting of three tiers, described as follows:

| Review Classification | Characteristics of Schools – State Accreditation | Characteristics of Schools – AYP Purposes | Other Information |
|-----------------------|---|--|---|
| Tier I | Any school warned in the same content area in either of the past two years or any school warned in three or more content areas | Title I school warned in English and/or mathematics that did not meet AYP | School could meet either state or AYP conditions for Tier I review |
| Tier II | Any school warned in science and/or history/social sciences with a pass rate more than 14 points lower than that required for full accreditation | Title I school warned in English and/or mathematics that did not make AYP or Non-Title I school warned in English and/or mathematics that did not make AYP | School could meet either state or AYP conditions for Tier II review |
| Tier III | Any school warned in science and/or history/social science with pass rate within 14 points of that required for full accreditation or Non-Title I school warned in English and/or mathematics that did make AYP | None | N/A |

Experts who work in Virginia’s Academic Review program provide external assistance to both schools and divisions to help them evaluate areas of weakness and offer suggestions for improvement. In 2005, School Support Teams were developed as an extension of the Academic Review process to provide content-area assistance to chronically low-performing schools.

Governor Mark Warner’s Partnership for Achieving Successful Schools (PASS) initiative and Turnaround Specialist Program have been implemented to deliver additional assistance to schools that have not been able to improve student achievement on their own. PASS is a statewide initiative that provides focused coaching through the services of an outside expert for school leadership in schools having difficulty reaching targeted levels of academic performance. The Turnaround Specialist Program trains school administrators to become credentialed “turnaround specialists,” who serve as principals of low-performing schools for a minimum of three years. Performance targets are established for the schools that must be met in order for the Turnaround Specialist to receive specified incentives.

Virginia’s Implementation of the *No Child Left Behind Act of 2001*

With this strong background in accountability, Virginia has made a good faith effort to implement the provisions of NCLB as outlined in Virginia’s Consolidated State Application and Accountability Workbook [<http://www.doe.virginia.gov/VDOE/nclb/VA-AcctWkbk.pdf>]. However, given Virginia’s experience in over ten years of intensive work

with standards, assessments, and school accountability, the Department of Education has identified certain procedures in implementing the federal policies that result in unintended consequences. In addition to requirements placed on Title I schools, NCLB places requirements and sanctions on non-Title I schools even though these schools receive no federal funding or other support from this title.

The Virginia Board of Education has made frequent and consistent attempts to work with USED to seek waivers and other tolerances permitted within the law to require school divisions to provide the most effective teachers and instruction to students while recognizing that every student, teacher, school, division, and state in the nation has unique circumstances that make it difficult to operate schools in an environment scripted by statute.

Despite the fact that many of the provisions of NCLB are already integral components of Virginia's accountability system and that Virginia's requests have been founded in the actual experience of past practice rather than on policy developed by non-educators, USED has time and again refrained from exercising Section 9401 of the statute that permits states to request, and the U.S. Secretary of Education to approve waivers to requirements of the law.

Reauthorization of the *No Child Left Behind Act of 2001*

The *No Child Left Behind Act of 2001* is scheduled to come before the United States Congress for reauthorization in 2007. Virginia, along with most other states, and many other entities, hopes to influence the provisions of the law during this reauthorization. Each year since 2003, Virginia has worked with its Congressional delegation to highlight requirements of the law that are not practical for implementation at a state and local level or that do not constitute good instructional practice. As such, it is these requirements that constitute components of NCLB that are not an integral or necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning.

Provisions of the *No Child Left Behind Act of 2001* That Are Not Integral or Necessary to the Commonwealth of Virginia's Statewide Educational Program: Virginia's NCLB Flexibility Requests That Have Been Denied by USED

Listed below are the flexibility requests related to implementation of the *No Child Left Behind Act of 2001* that have previously been denied to Virginia by the United States Department of Education. All of the requests have been made to correct certain policies and procedures that have resulted in unintended consequences and are not representative of sound educational practice.

Testing Policies and Assessment Instruments

1. Virginia will not require kindergarten and first grade limited English proficient (LEP) students to take the reading and writing components of the English language proficiency assessment. The English language proficiency of kindergarten and first grade LEP students will be assessed only on listening and speaking skills.
2. Virginia will allow the reading component of the English language proficiency (ELP) test required under Title I, and the plain language forms of the statewide mathematics assessments to be used as the accountability measure under section 1111(b)(3) for LEP students' academic achievement during their first 1-3 years of enrollment in the U.S. Students who do not achieve a passing score on the mathematics assessment or the reading component of the ELP test would not be counted in the AYP pass rate calculation, but would be counted toward the 95 percent participation rate calculation. This change would allow Virginia to continue implementing testing policies exempting newly arrived LEP students that were in state regulations and were in effect prior to NCLB.
3. Consistent with current policy, LEP students in grades 3 through 8 at the lower levels (Level 1 and Level 2) of English language proficiency will take the Standards of Learning assessments for English/reading and mathematics, with or without accommodations, or state-approved assessments linked to the Standards of Learning. LEP students cannot take assessments linked to the Standards of Learning for more than three consecutive years.
4. Virginia will determine the percentage of students with significant cognitive disabilities that can be assessed against modified achievement standards instead of placing a limit of one percent.

Highly Qualified Teachers

5. Virginia will allow teachers to become highly qualified through the use of the Highly Objective Uniform State Standard of Evaluation (HOUSSE) approved by the Virginia Board of Education on April 20, 2005.
[\[http://www.doe.virginia.gov/VDOE/suptsmemos/2005/inf118b.pdf\]](http://www.doe.virginia.gov/VDOE/suptsmemos/2005/inf118b.pdf)

Criteria to Identify Schools and Divisions for School Improvement and the Accompanying Sanctions

6. Virginia will target supplemental educational services and public school choice to the subgroup(s) and individual students that need the most help.
7. Virginia will identify for improvement only those schools that fail to make AYP for two consecutive years in the same subject and for the same subgroup.
8. Virginia will allow schools the flexibility to reverse the order of sanctions in the first two years of school improvement. Supplemental educational services may be offered to eligible students attending schools in improvement in the first year and public school choice in the second year.
9. Virginia will comply with Section 1111(b)(2)(I)(i) that states the other academic indicators must be considered only if “safe harbor” is invoked. AYP determinations will be based primarily on meeting or exceeding the annual measurable objectives for reading and mathematics and the 95 percent participation rate requirement. The other academic indicators will be applied only when “safe harbor” is invoked.
10. Virginia will allow separate adequate yearly progress starting points and targets for individual subgroups.

Administrative Burden

In addition to the ten flexibility requests noted above that have been denied by the United States Department of Education, it is important to note the vast amount of data collection and reporting that the *No Child Left Behind Act of 2001* requires. Consolidated Performance Reports are due twice each year for all titles of the law. Additionally, the state must monitor school divisions for compliance with the law, and the State Education Agency (SEA) is also subject to regular monitoring from the USED.

In 2004-2005, the Virginia Department of Education undertook a study of the state agency and local school division costs of the *No Child Left Behind Act of 2001* in response to actions taken by the 2004 and 2005 General Assembly. The complete study is available at: [\[http://www.pen.k12.va.us/VDOE/nclb/coststudyreport-state.pdf\]](http://www.pen.k12.va.us/VDOE/nclb/coststudyreport-state.pdf). Some commonalities were observed among the participating school divisions:

- To some extent, all school divisions were diverting resources to meet NCLB requirements and experiencing opportunity costs as a result. Most divisions were experiencing difficulty in balancing their needs and priorities with state and federal requirements.
- School divisions were focused on the accountability requirements and their challenges. These challenges included a recognition that efforts needed to be undertaken to ensure that schools did not fall into “improvement status” and remain in that status. No division in the study had a mechanism for projecting the number of schools that might

fall into “improvement status,” due to the lack of experience with NCLB requirements. The participating divisions were diligent in their efforts to ensure that sufficient resources were available so that schools did not have to incur sanctions under NCLB.

- Among the unquantifiable cost for some divisions was the communication efforts they undertook (and are still undertaking) to inform parents, students, and faculty and staff about NCLB. The time and energy needed for this effort was compounded by the differences between Virginia’s existing accountability system and NCLB.
- The divisions in the study reported that data disaggregation required by NCLB was a positive outcome. Several large, urban divisions were already building database systems that would enable them to better focus on addressing achievement gaps. To accomplish this goal, divisions in the study were seeking solutions to data warehousing demands as a result of NCLB.
- Most divisions were experiencing difficulty in maintaining the high quality teacher work force required by NCLB. The divisions participating in the study regarded the requirements for high quality educators as beneficial to their school systems.
- Prior to NCLB, all divisions in the study had developed an infrastructure to administer Virginia’s state assessment program. Nevertheless, all divisions in the study needed substantial, additional resources to meet the testing requirements of NCLB and to ensure that the existing state accountability structure was merged with AYP reporting requirements.
- School divisions in Virginia, like school divisions nationally, had more Limited English Proficient (LEP) students coming into their systems. The testing requirements for these students in their first years of enrollment were challenging the capacity of the schools both to prepare students for the tests and to administer the tests.
- School divisions were expending additional resources to assist students needing testing accommodations to take and pass required tests so that AYP benchmarks were met.

The Federal No Child Left Behind Act Waiver and Exemption Requests Made by the Virginia Board of Education (HB 1428)

Summary of Requested NCLB Waivers

Web links to Board correspondence:

<http://www.doe.virginia.gov/VDOE/nclb/NCLBproposedamendments.pdf> and
<http://www.doe.virginia.gov/VDOE/nclb/AMO-6-22-05.pdf>
http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2006/ItemF-mar.pdf

Web links to USED responses:

<http://www.doe.virginia.gov/VDOE/nclb/accountability-used-8-19-05.pdf>
<http://www.doe.virginia.gov/VDOE/nclb/USDOE07-27-06.pdf>

Summary of Approved Waiver Requests

Policies for Calculating Adequate Yearly Progress (AYP)

- ✓ ***First score requirement*** – counting a student’s passing score on an expedited retake of the Standards of Learning test in the calculation of AYP as well as the passing scores of students who retake tests needed for graduation. **Approved.**
- ✓ ***Graduation rate and other academic indicator*** – defining “standard number of years for graduation” as four years or less except for students with disabilities and LEP students. **Approved.**
- ✓ ***Annual Measurable Objectives*** – revising the annual AYP proficiency targets for reading and mathematics. The targets previously increased from 61 percent in reading and 59 percent in mathematics in 2003-2004 to 70 percent in reading and mathematics in 2004-2005. Beginning with 2004-2005, the revised proficiency target for reading will be 65 percent and the revised proficiency target for mathematics will be 63 percent with increases in increments of 4 until 2013-2014. **Approved.**
- ✓ ***Grade levels included in AYP calculations*** - calculating participation rate for 2006-2007 AYP scores using tests administered in grades 3 through 8 and end-of-course for all subgroups. Performance calculations for student subgroups will be based on tests administered in grades 3, 5, and 8. Newly administered tests in grades 4, 6, and 7 will only be included in AYP performance if test performance improves ratings. **Denied as written, but approved to exercise the flexibility outlined in guidance provided on March 7, 2006.**
- ✓ ***Minimum “n” and division accountability*** – use of either 50 students or one percent of the enrolled student population for purpose of calculating AYP and applying the 95 percent participation rate. **Approved with modification (cap of 200 students).**

- ✓ *Assessing students with disabilities and two percent proxy* – continue to implement current federal policy of using a two percent proxy for the inclusion of students with disabilities in AYP calculations for the 2006-2007 school year. Virginia is also requested and received an exception of 1.1 percent to the current 1 percent cap on the number of proficient and advanced scores from alternate assessments. **Approved.**

Criteria to Identify Schools and Divisions for School Improvement and the Accompanying Sanctions

- ✓ *Division accountability* – identifying divisions for improvement only when they do not make AYP in the same subject, same subgroup, and all grade spans for two consecutive years. **Approved with modification (not same subgroup).**
- ✓ *Reversing order of school improvement sanctions* – offering supplemental services before public school choice. Virginia will allow schools the flexibility to reverse the order of NCLB sanctions in the first two years of school improvement. **Denied as written. USED approved a pilot program for four school divisions in Virginia for the 2005-2006 and 2006-2007 school years.**

Revisions in Funding Calculations

- ✓ *Immigrant children and youth funding formula (Title III)* – revising state set-aside from 15 percent to 5 percent. Virginia will revise the state reservation for Immigrant Children and Youth Funding under Title III: Language Instruction for Limited English Proficient and Immigrant Students. **Approved.**

Summary of Denied Waiver Requests

Policies for Calculating Adequate Yearly Progress (AYP)

- ✓ *Separate Starting Points for Individual Subgroups* – allowing separate adequate yearly progress starting points and targets for individual subgroups. **Denied.**
- ✓ *Other academic indicator* – using other academic indicator for safe harbor only. AYP determinations will be based primarily on meeting or exceeding the annual measurable objectives for reading and mathematics and the 95 percent participation rate requirement. The other academic indicators will be applied only when "safe harbor" is invoked. **Denied. (Safe Harbor = If a school or a subgroup does not meet its targeted goal for test scores, an analysis is undertaken to determine if the significant improvement has been made. If a school or a subgroup demonstrates a 10% reduction in the percentage of non proficient students and other criteria are met, AYP is then met.)**

- ✓ ***Growth model based on separate starting points and annual measurable objectives in each subgroup*** - permitting Virginia to use a growth model for determining AYP of schools, divisions, and state. **Approved as pilot program for all states – Virginia does not meet all criteria for participation at this time.**
- ✓ ***Assessing students with disabilities*** - including in AYP ratings tests scores for students previously identified within the students with disabilities subgroup of up to two years after special education services are no longer received. This request is in response to regulations recently proposed by USED which permit states to count the scores of special education students in the students with disabilities subgroup for up to two years after they are no longer labeled as a student with disabilities. **Deferred until final regulations are released.**
- ✓ ***Inclusion of Limited English Proficient (LEP) students in state assessments*** – allowing the reading component of the English Language Proficiency (ELP) Assessment and the plain language forms of the statewide mathematics assessments as the academic assessments under NCLB. These assessments will be used to hold a school/division/state accountable for LEP students' academic achievement during their first 1-3 years of enrollment in the U.S. Students who do not achieve a passing score on the mathematics assessment or the reading component of the ELP test would not be counted in the AYP pass rate calculation, but would be counted toward the 95 percent participation rate calculation. This change will allow Virginia to continue implementing testing policies exempting newly arrived LEP students that are in state regulations and had previously been in effect prior to NCLB. **Denied.**

Assessment Policies

- ✓ ***Assessing students with disabilities*** – allowing Individualized Education Program (IEP) teams to make determinations about appropriate Standards of Learning assessments for special education students whose instructional level is one to three years below grade level. **Denied.**
- ✓ ***ELP Assessment*** – excluding kindergarten and first grade LEP students from reading and writing ELP assessment requirement. The English language proficiency of kindergarten and first grade LEP students will be assessed only on listening and speaking skills. **Denied.**

Criteria to Identify Schools and Divisions for School Improvement and the Accompanying Sanctions

- ✓ ***Choice and supplemental services*** - targeting subgroup(s) and individual students most in need of help. Virginia will target supplemental educational services and public school choice for Title I schools in School Improvement only to the subgroup(s) and individual students not meeting AYP targets. **Denied.**

- ✓ *Consecutive years same subject and same subgroup* – identifying for improvement only those schools that fail to make Adequate Yearly Progress (AYP) for two consecutive years in the same subject and for the same subgroup. **Denied.**

Highly Qualified Teachers

- ✓ *Highly Qualified Teachers* – allow teachers to become highly qualified through the use of the Highly Objective Uniform State Standard of Evaluation (HOUSSE) approved by the Virginia Board of Education on April 20, 2005. **Denied - to be phased out beginning July 1, 2006.**

LEGISLATIVE MANDATE – 2006 GENERAL ASSEMBLY

CHAPTER 879 and CHAPTER 904, 2006 ACTS OF ASSEMBLY

Be it enacted by the General Assembly of Virginia:

1. § 1. *No Child Left Behind; identification plan.*

A. That the Virginia Board of Education shall develop a plan to identify initiatives or conditions that are currently being funded by the federal act known as No Child Left Behind, that are not an integral or necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning as authorized by the Virginia General Assembly and the Board of Education. Included in this plan will be information on the consequences (including any potential loss of Federal funding) if the Commonwealth elected to not comply with the identified components.

B. Upon the development of the plan required by subsection A, the Office of the Attorney General of Virginia shall provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds.

C. The Board of Education shall report its plan to the Senate Committee on Education and Health, the House Committee on Education, the Senate Committee on Finance, and the House Committee on Appropriations by October 1, 2006.

LEGISLATIVE MANDATE – 2006 GENERAL ASSEMBLY

CHAPTER 880, 2006 ACTS OF THE ASSEMBLY

An Act to request certain waivers and exemptions to the federal No Child Left Behind Act.

Be it enacted by the General Assembly of Virginia:

1. § 1. No Child Left Behind; waiver and exemption requests.

A. The President of the Board of Education is encouraged to request from the U.S. Department of Education, in calendar year 2006, the following waivers and exemptions of the statutory and regulatory requirements of the federal No Child Left Behind Act (Public Law [107-110](#)):

- 1. Additional flexibility for the Commonwealth to apply sanctions regarding supplemental services and public school choice.*
- 2. The identification of schools in improvement to consider those schools that fail to make adequate yearly progress for two consecutive years in the same subject and for the same subgroup.*
- 3. The modification of adequate yearly progress calculation policies to accommodate appropriate measures of progress for students with disabilities and those students who are limited English proficient.*
- 4. The ability to count the passing scores of students on retests in the calculation of adequate yearly progress in a manner that increases the validity of adequate yearly progress determinations across tested grade levels.*

Nothing in this section shall be construed to prohibit the Board of Education from making additional requests as it deems necessary.

B. The President of the Board of Education shall make a report on the status of all requests provided in subsection A of this act to the Governor, the Chairmen of the Senate Education and Health and House Education Committees, and the Chairmen of the Senate Finance and House Appropriations Committees no later than the first day of the 2007 Session of the General Assembly. If such report indicates that the response from the U.S. Department of Education to the requests in subsection A of this act is unsatisfactory, then the President of the Board of Education shall make recommendations to the Governor and the General Assembly regarding additional actions. Such actions may include, but need not be limited to (i) the nullification and revocation of the Virginia Consolidated State Application submitted to the U.S. Department of Education; (ii) legal actions that may be taken by the Office of the Attorney General; and (iii) additional negotiations with the U.S. Department of Education.

PUBLIC LAW 107-110

THE NO CHILD LEFT BEHIND ACT OF 2001

SECTION 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

- a) In General. – Except as provided in subsection (c), the secretary may waive any statutory or regulatory requirement of this act for a state educational agency, local educational agency, Indian tribe, or school through a local educational agency, that*
- 1) receives funds under a program authorized by this act; and*
 - 2) requests a waiver under subsection (b).*

**State Education Activity (SEA) Revenues for NCLB
Virginia Department of Education**

| Summary of Federal Grants Directly Related to NCLB SEA Allocation | | | | |
|---|-----------------------------|------------------------------|------------------------------|------------------------|
| Summary of SEA Allocations | 7/04- 9/05 Actual Awards | 7/05 – 9/06 Actual Awards | 7/06 – 9/07 Actual Awards | 7/07 -9/08 Estimate |
| Title I, Part A , Academic Achievement of the Disadvantaged | \$195,588,567 | \$216,517,554 | \$207,716,947 | \$207,245,496 |
| Title I, Part B , Reading First | \$16,928,231 | \$17,995,533 | \$16,695,489 | \$16,695,489 |
| Title I, Part B, Even Start | \$3,483,029 | \$3,413,489 | \$1,426,134 | 0 |
| Title I, Part C , Migrant Education | \$1,057,027 | \$795,195 | \$778,696 | \$778,696 |
| Title I, Part D, Neglected or Delinquent Children | \$951,488 | \$996,972 | \$771,344 | \$771,344 |
| Title I, Part F – Comprehensive School Reform | \$5,508,205 | \$3,377,279 | 0 | 0 |
| Title II, Part A, Improving Teacher Quality | \$52,577,308 | \$52,736,901 | \$51,696,346 | \$51,696,347 |
| Title II, Part B, Mathematics and Science Partnerships | \$2,388,059 | \$3,001,229 | \$2,887,237 | \$2,887,237 |
| Title II, Part D, Enhancing Education Through Technology | \$10,334,465 | \$8,079,871 | \$4,218,076 | 0 |
| Title III, Part A, English Language Acquisition | \$7,273,394 | \$9,222,809 | \$9,823,062 | \$9,823,057 |
| Title IV, Part A, Safe and Drug-Free | \$8,174,905 | \$8,144,758 | \$6,414,756 | 0 |
| Title IV, Part B, 21 st Century Community Learning Centers | \$15,100,777 | \$15,191,284 | \$16,181,378 | \$15,394,431 |
| Title V, Part A, Innovative Programs | \$6,927,544 | \$4,6337,788 | \$2,312,233 | \$2,312,233 |
| Title VI, Part A, State Assessments, Improving Academic Achievement | \$8,565,602 | \$8,808,255 | \$8,808,255 | \$8,808,255 |
| Title VI, Part B, Rural and Low-Income Schools | \$1,165,973 | \$2,231,070 | \$1,506,250 | \$1,506,252 |
| Total | \$336,024,574 | \$396,849,987 | \$331,236,203 | \$317,918,837 |

Information taken from the U. S. Department of Education FY 2001-2007 State Allocations, by Program and by State. <http://www.ed.gov/about/overview/budget/statetables/07stbystate.pdf>

Board of Education Agenda Item

Item: _____ O. _____

Date: September 27, 2006

Topic: First Review of Proposed Amendments to Virginia's No Child Left Behind (NCLB) Accountability Workbook Affecting Calculations of Adequate Yearly Progress (AYP) for the 2007-2008 School Year Based on Assessments Administered in 2006-2007

Presenter: Ms. Shelley Loving-Ryder, Assistant Superintendent for Assessment and Reporting

Telephone Number: (804) 225-2102 **E-mail Address:** Shelley.Loving-Ryder@doe.virginia.gov

Origin:

____ Topic presented for information only (no board action required)

____ Board review required by

X State or federal law or regulation

____ Board of Education regulation

____ Other: _____

____ Action requested at this meeting ____ Action requested at future meeting: _____ (date)

Previous Review/Action:

____ No previous board review/action

X Previous review/action

date July 26, 2006

action Approved timeline for submission of evidence to USED

Background Information:

Status of Virginia's Consolidated State Application Accountability Plan

The *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. In May 2002 the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under the NCLB law. The NCLB application process involves multiple submissions of information, data, and policies. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook that describes a single statewide accountability system for the Commonwealth. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2006-2007 school year based on 2005-2006 assessment results are described in the amended workbook dated July 21, 2006.

Status of USED Standards and Assessment Peer Review

As part of the NCLB compliance requirements, states must submit materials to the USED for a peer review of the processes and policies related to the development and implementation of the state's standards and assessments. In November 2005, the Virginia Department of Education submitted available documentation to USED for review under this requirement. Because Virginia implemented new tests in reading and mathematics in grades 3 through 8 in spring 2006, as well as a revised alternate assessment program for students with significant cognitive disabilities, some of the required information was not available at the time of the November 2005 submission.

On March 22, 2006, USED issued a letter to Virginia outlining additional evidence to be submitted after the spring 2006 test administration. On June 13, 2006, Virginia submitted a timeline for providing the additional evidence. On June 28, 2006, USED issued a second letter rating Virginia's assessment system as *Approval Pending*. The letter stated that "Virginia's system has one fundamental component that warrants the designation of *Approval Pending*. Specifically, we cannot approve Virginia's standards and assessment system due to outstanding concerns regarding the validity, comparability, alignment, reporting and approved academic achievement standards for the Stanford English Language Proficiency (SELP) assessment when used as a proxy for the reading Standards of Learning (SOL) assessments."

Based on the *Approval Pending* rating Virginia was placed under mandatory oversight by USED and was required to provide, within 25 business days from the receipt of the letter, a plan and a detailed timeline for how it will meet the remaining requirements to come into full compliance by the end of the 2006-2007 school year. A second peer review of the additional information will be conducted once all additional evidence has been submitted.

At its July 26, 2006, meeting the Virginia Board of Education approved a detailed timeline for submission of additional evidence to USED. The timeline included a review of certain aspects of the Virginia Assessment System by the Board of Education at its September 27, 2006, meeting. On August 31, 2006, the Virginia Department of Education received a letter from USED approving Virginia's timeline.

Summary of Major Elements

Amendments to Virginia's Accountability Workbook that address the following issues will be presented:

- elimination of the SELP test as the state-approved assessment instrument to be used as a proxy for the SOL reading tests in grades 3 through 8 for LEP students at level 1 or 2 of English language proficiency;
- removal of scores resulting from certain substitute tests from the calculation of AYP;
- removal of scores resulting from Virginia Substitute Evaluation Program (VSEP) from the calculation of AYP; and
- expansion of the Virginia Grade Level Alternative (VGLA) to include LEP students at levels 1 and 2 of English language proficiency.

The proposed amendments would affect the calculation of AYP for the 2007-2008 school year based on assessments administered in 2006-2007.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board accept for first review the proposed amendments to Virginia's NCLB Accountability Workbook for assessments during the 2006-2007 school year.

Impact on Resources:

It is expected that changes to the assessment and accountability systems resulting from these amendments can be made using existing state resources.

Timetable for Further Review/Action:

The amendments to Virginia's Accountability Workbook will be presented to the Virginia Board of Education for final review at the October 25, 2006, meeting.

Proposed Amendments to Virginia Consolidated State Application Accountability Plan Required in NCLB

September 2006

NCLB Statutory Authority for Amendment Requests:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this act for a state educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —

(1) receives funds under a program authorized by this Act; and

(2) requests a waiver under subsection (b).”

1. Use of the SELP as a “Proxy” for the SOL Reading Test for Certain LEP Students (Critical Element 5.4)

Request: Virginia will remove from the Accountability Workbook the designation of the Stanford English Language Proficiency (SELP) test as the state-approved assessment instrument linked directly to the reading Standards of Learning (SOL) for use with Limited English Proficient (LEP) students at levels 1 and 2 of English language proficiency.

Rationale: On June 28, 2006, the United States Department of Education (USED) issued a letter rating Virginia’s assessment system as *Approval Pending*. The letter stated that “Virginia’s system has one fundamental component that warrants the designation of *Approval Pending*. Specifically, we cannot approve Virginia’s standards and assessment system due to outstanding concerns regarding the validity, comparability, alignment, reporting and approved academic achievement standards for the Stanford English Language Proficiency (SELP) assessment when used as a proxy for the reading Standards of Learning (SOL) assessments.” Based on these concerns, Virginia will eliminate the use of scores from the SELP reading subtests for LEP students at levels 1 and 2 of English language proficiency in the calculation of Adequate Yearly Progress (AYP).

2. Expansion of the VGLA to Include LEP students (Critical Element 5.4)

Request: Virginia will expand the Virginia Grade Level Alternative (VGLA) to include LEP students.

Rationale: The VGLA is an alternative assessment that assesses the SOL for the grade level in which the student is enrolled. It is currently available to students with disabilities in grades 3 through 8 who are being instructed in grade level content but who are unable to participate in the regular SOL assessment even with accommodations. Students participating in VGLA are required to demonstrate achievement of the content standards as presented in the SOL test blueprint for the content area in which they are being assessed. Students compile a collection of work samples to demonstrate achievement of all content standards addressed in the test blueprint for the test.

Virginia will allow LEP students who are at levels 1 and 2 of English language proficiency to participate in the VGLA in the area of reading. The VGLA measures grade level content standards but allows for the use of student work samples to demonstrate achievement of the SOL addressed in the test blueprint.

3. AYP: Inclusion of Scores from VSEP (Critical Element 3.2)

Request: Virginia will no longer include the scores of students who participate in the Virginia Substitute Evaluation Program (VSEP) in the participation rate or pass rate calculations for AYP.

Rationale: The VSEP is an alternative method of assessing students who, because of the nature of their disability, are unable to participate in the regular SOL assessment even with testing accommodations. Students participating in the VSEP are required to demonstrate achievement of the content standards as presented in the SOL test blueprint for the course in which they are being assessed. Students compile a collection of work samples to demonstrate achievement of all content standards addressed in the test blueprint for the end-of-course test.

While the VSEP has been in existence for several years the number of students participating in the program has been very small. In the feedback from the peer review of Virginia's Standards and Assessment System, USED requested additional information about the reliability, validity, comparability, alignment, and achievement standards of the VSEP. Currently, the number of students participating in the VSEP is too small to prepare the technical reports necessary to respond to USED's concerns. Therefore, Virginia will remove VSEP scores from the calculation of AYP until such time as there are sufficient numbers of students participating in this program to prepare the required documentation. VSEP will still be provided as an assessment option for students with disabilities, but the scores resulting from this program will not be included in AYP.

4. AYP: Inclusion of Scores from Substitute Tests (Critical Element 3.2)

Request: Virginia will no longer include the scores of students who take certain tests approved by the Virginia Board of Education as substitutes for end-of-course Standards of Learning tests in the participation rate or pass rate calculations for AYP.

Rationale: In the feedback from the peer review of Virginia's Standards and Assessment System, USED requested additional information about the comparability and alignment of substitute tests approved by the Virginia Board of Education to the SOL tests. At this time the number of Virginia students using the substitute tests is too small to prepare the technical documentation required to satisfy USED's request. Therefore, Virginia will remove scores from substitute tests from the calculation of AYP until such time as there are sufficient numbers of students participating in this program to prepare the required documentation. Substitute tests will still be available for students to use in meeting verified credit requirements but the scores will not be included in AYP.

USED has invited Virginia to participate in a pilot program looking at the use of Advanced Placement (AP) and International Baccalaureate (IB) tests as substitutes for the statewide reading and mathematics tests. Under this agreement Virginia may include in the calculation of AYP for 2007-2008 AP or IB scores from the 2006-2007 assessment administration.

Proposed Amendments to Virginia Consolidated State Application Accountability Plan Required in NCLB

September 2006

NCLB Statutory Authority for Amendment Requests:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this act for a state educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —

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USED has invited Virginia to participate in a pilot program looking at the use of Advanced Placement (AP) and International Baccalaureate (IB) tests as substitutes for the statewide reading and mathematics tests. Under this agreement Virginia may include in the calculation of AYP for 2007-2008 AP or IB scores from the 2006-2007 assessment administration.

Board of Education Agenda Item

Item: _____ P. _____

Date: September 27, 2006

Topic: Final Review of Proposed Response to *No Child Left Behind* (NCLB) Compliance Monitoring Report on Highly Qualified Teachers

Presenter: Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education, Licensure, and Professional Practice

Telephone Number: (804) 371-2522

E-Mail Address: Thomas.Elliott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by
 X State or federal law or regulation
 _____ Board of Education regulation
 _____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

X Previous review/action
 date July 26, 2006
 action received for first review

Background Information:

The *No Child Left Behind Act of 2001* requires that states and school divisions ensure that all teachers of the core academic subjects be “highly qualified” by the end of the 2005-06 school year. The law requires that to be designated as highly qualified new teachers must hold a bachelor’s degree, have full state licensure (including alternative licensure), and demonstrate subject-matter competence in the core academic subjects taught. Experienced teachers must meet requirements by the end of the 2005-06 school year to be designated as highly qualified by meeting one of the following options:

- (1) passing a rigorous state academic subject matter test; or
- (2) completing an academic major, graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing for middle or secondary school teachers; or

- (3) using the High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE provides states with a method by which teachers can demonstrate competency in each subject they teach. [Virginia's HOUSSE was approved on February 25, 2004, and amended to address special educators on April 20, 2005.]

The United States Department of Education (USED) announced that if states meet the law's requirements and USED's expectations in making satisfactory efforts but fall short of having highly qualified teachers in every classroom by the end of the 2005-06 school year, states would have the opportunity to submit a revised plan for meeting the highly qualified teacher goal established in statute and regulations by the end of the 2006-07 school year.

In a letter of June 29, 2006, USED Assistant Secretary of Education Henry Johnson reported to the Virginia Department of Education the results of the USED Academic Improvement and Teacher Quality Programs team review of the state's progress in meeting the highly qualified teacher provisions of the *No Child Left Behind Act of 2001* (NCLB) and Virginia's administration of the Title II, Part A, Improving Teacher Quality State Grants program.

In the report, USED cited Virginia relative to the assessment of content knowledge of newly hired high school special education teachers. Virginia allowed an option for new high school special education teachers to take either a middle school Praxis II assessment in the content areas of mathematics, science, English, and/or social studies or an appropriate Praxis II content test (secondary level) to demonstrate content knowledge to be designated highly qualified. USED stated that using the Praxis II middle school assessments does not meet the requirements of NCLB or the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

USED also reported that Virginia's High Objective Uniform State Standard of Evaluation (HOUSSE) option of allowing licensed elementary, middle, and secondary teachers not new to the profession to become highly qualified by the completion of an earned advanced degree in any area from an accredited college or university does not meet the requirements of NCLB.

In the June 29, 2006, letter USED advised the Virginia Department of Education that the issues cited with respect to highly qualified special education teachers must be resolved by December 29, 2006, and the approved definition reflected in the 2005-2006 data reported on highly qualified teachers.

Summary of Major Elements

Virginia is required to submit a revised plan in response to the issues addressed in the compliance monitoring letter. To address the testing concern for high school special education teachers new to the profession, one of the following options is proposed to demonstrate subject-matter competency in the subject(s) they teach:

- **Options provided by the *No Child Left Behind Act*, including an academic major in the content area, graduate degree in the teaching content area, or coursework equivalent to an undergraduate major.** [New secondary special education teachers who teach two or more academic subjects who are highly qualified in mathematics, language arts, science, or social studies have two years after the date of employment to be highly qualified in the other core academic subject area, which may include HOUSSE. If teaching core academic subjects exclusively to children assessed on alternate achievement standards, the teacher must meet highly qualified requirements for an elementary teacher.]

- **Rigorous State Academic Subject Test: Pass the appropriate Praxis II assessment(s) in the high school subject(s) they teach.**

Praxis II Tests

Biology: Content Knowledge (0235)

Chemistry: Content Knowledge (0245)

Earth Science: Content Knowledge (0571)

English Language, Literature, and Composition: Content Knowledge (0041)

Mathematics: Content Knowledge (0061)

Physics: Content Knowledge (0265)

Social Studies: Content Knowledge (0081)

- **Rigorous State Academic Subject Test: Pass the appropriate Middle School Praxis II assessment(s) in the subject(s) they teach** if the special education teacher new to the profession is teaching classes at a high school campus in which the students are not earning standard credit in core academic areas towards a high school diploma.

The criteria for highly qualified teachers do not apply to special education consultative teachers who are collaborating with a core academic teacher.

To address the citation regarding the option of allowing licensed elementary, middle, and secondary teachers not new to the profession to become highly qualified by the completion of an earned advanced degree from an accredited college or university, the following revision is recommended for Virginia's HOUSSE:

Amend the HOUSSE option "a" as follows:

- 3.a. completion of an earned advanced degree from an accredited college or university in the subject(s) the teacher is teaching.

The Department of Education surveyed the 132 school divisions to collect information on the impact to the approximate 99,000 Virginia teachers if the proposed amendments are approved. The Department of Education received responses from all school divisions, and the results of the survey were as follows:

- 73 Number of teachers of special education who have been designated highly qualified who (1) serve as the teacher of record for high school classes in which the students are receiving a standard diploma and (2) took the Praxis II Middle School Subject Content Assessment(s) to be designated as highly qualified.
- 82 Number of experienced teachers who were designated highly qualified by completing an advanced degree (not in the subject content area) and who do not meet one of the other HOUSSE criteria.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the following:

- (1) the proposed amendment to the criteria below for high school special education teachers new to the profession to demonstrate subject-matter competency in the subject(s) they teach for the designation of highly qualified:
 - complete an option provided by the *No Child Left Behind Act*, including an academic major in the content area, graduate degree in the teaching content area, or coursework equivalent to an undergraduate major; or
 - pass the appropriate Praxis II assessment(s) in the high school subject(s) they teach; or
 - pass the appropriate Middle School Praxis II assessment(s) in the subject(s) they teach if the special education teacher new to the profession is teaching classes at a high school campus in which the students are not earning standard credit in core academic areas towards a high school diploma.
- (2) the proposed amendment to the HOUSSE option of allowing licensed elementary, middle, and secondary teachers not new to the profession to become highly qualified by the completion of an earned advanced degree from an accredited college or university in the subject(s) the teacher is teaching.

Impact on Resources:

Teachers and school divisions will incur costs in meeting the requirements for the revised highly qualified designation criteria. These costs may include tuition for additional coursework and fees for tests, registration, and preparation. School divisions and the Department of Education may incur added costs in revising the data collection. Additionally, an impact on federal funding resources could occur if revisions are not made and approved by USED.

Timetable for Further Review/Action:

Upon USED approval of Virginia's revised criteria, the Department will request school divisions to update their 2005-2006 data on highly qualified teachers.

Board of Education Agenda Item

Item: _____ Q. _____

Date: September 27, 2006

Topic: Final Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, and the Advisory Board for Teacher Education and Licensure

Presenter: Dr. Margaret N. Roberts, Executive Assistant to the Board of Education

Telephone: 804/ 225-2924

E-mail: Margaret.Roberts@doe.virginia.gov

☐ Topic presented for information only (no board action required)

☐ Board review required by

☐ State or federal law or regulation

☐ Board of Education regulation

☒ Other: Board of Education Bylaws

☒ Action requested at this meeting

☐ Action requested at future meeting

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action: First review of nominations recommended for appointment date: July 26, 2006
action: List of nominees was received for first review

Background Information: Article Nine, Section 2 of the Board of Education's bylaws states the following:

Advisory Committees. Advisory committees may be created by the Board for special purposes to include, but not be limited to, federal and state-mandated committees. An advisory committee shall be composed of persons who represent the views and interests of the general public and who are known to be qualified to perform their duties. Personnel of the Department of Education may be appointed to the committee, as members or as consultants. All appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction. . . .

Findings and recommendations of the Board of Education's advisory committees are provided to the Board in a manner and at a time prescribed by the Board.

Summary of Major Elements: The Board of Education has six advisory committees, five of which have vacancies for the three-year term of July 2006 to June 2009. (The nomination process for the Student Advisory Committee is handled through a special procedure that will be conducted in the early fall. Therefore, nominations to the Student Advisory Committee are not being accepted at this time.)

Superintendent's Memo Number 116, dated May 26, 2006, announced that the Board of Education is seeking nominees to fill the current advisory committee vacancies. The Superintendent's Memo and public notices were distributed broadly to local divisions, statewide organizations, special interest groups, and other interested individuals. The deadline for submission was July 10, 2006.

In addition, Superintendent's Memo Number 231, dated December 2, 2005, announced the call for nominations to fill the vacancies on the Virginia Advisory Committee for the Education of the Gifted. (NOTE: This committee's call for nominations was initiated in December, as was the practice in previous years. The call for nominations was initiated prior to the time that the current procedures were put in place.)

Please note that two of the five advisory committees require specific categories for membership. The categories are set by Code or regulation.

The advisory committees and the current vacancies are shown in the following table.

| Advisory Committee | No. of vacancies 2006-2009 term | Required categories | No. of nominations received |
|--|--|--|--|
| Advisory Board for Teacher Education and Licensure | 5 vacancies 3 reappointments | Classroom Teacher (Elementary Reading Specialist) Division Superintendent School Board Member Classroom Teacher (Middle) Higher Education (Private institution: faculty members in teacher preparation programs who may represent the arts and sciences) | 23 |
| State Special Education Advisory Committee | 4 vacancies 2 reappointments | Classroom teacher (special education) Parent of a child with a disability, Region 1 Parent of a child with a disability, Region 8 Person with a disability | 15 |

| Advisory Committee (Cont'd) | No. of vacancies 2006-2009 term | Required categories | No. of nominations received |
|---|--|--|--|
| Advisory Committee on Adult Education and Literacy | 6 vacancies | No specific category required. | 9 |
| Career and Technical Education Advisory Committee | 2 vacancies | No specific category required. | 2 |
| Virginia Advisory Committee for the Education of the Gifted | 10 vacancies | No specific category required. (Note: Superintendent's Memo Number 231, dated December 2, 2005, announced the call for nominations to fill the vacancies.) | 22 |
| Student Advisory Committee | Nominations will be accepted in the early fall under a separate nomination/selection process | | N/A |

Following the close of the nomination period, nominations were reviewed by department staff. As specified in the Board's bylaws, nominees are recommended for appointment by the Superintendent of Public Instruction. Every attempt was made to balance the membership by geographic region as well as gender and ethnicity.

The nominees recommended for appointment to the 2006-2009 term are as follows:

Advisory Board for Teacher Education and Licensure

Nominees recommended for appointment:

- Classroom Teacher-Elementary Reading:
Dawn Rees-Blakeman, Title I Reading Specialist, Roanoke City Public Schools
- Division Superintendent:
Dr. Gwen E. Edwards, Nottoway County Public Schools
- School Board Member:
Ann Y. Williams, Hopewell City Public Schools
- Classroom Teacher (Middle):
Susan K. Shoap, Swift Creek Middle School, Chesterfield County Public Schools
- Higher Education (Private Institution):
Dr. Carol C. Grove, Master of Arts in Teaching Program, Mary Baldwin College

Members recommended for reappointment:

- Business Community:
Rene Massey Ashjian, SalesBoost, Glen Allen, VA

Advisory Board for Teacher Education and Licensure (cont'd)

- Classroom Teacher-Secondary:
Cynthia D. Baird, Brentsville High School, Prince William County Public Schools
- Higher Education (Public Institution):
Dr. William H. Graves, III, Dean, Darden College of Education, Old Dominion University

State Special Education Advisory Committee

Nominees recommended for appointment:

- Classroom teacher (special education):
Melodie M. Henderson, ED/LD teacher, Richmond City Public Schools
- Parent of a child with a disability, Region 1:
Carletta Pittman Wilson, Parent of a child with a disability, Region 1
- Parent of a child with a disability, Region 8:
Carol Hamilton, Parent of a child with a disability, Region 8
- Person with a disability:
Trevor Scott Green, Christiansburg

Members recommended for reappointment:

- Anne Fisher, Parent of a child with a disability, Region 2
- Carmen Sanchez, Parent of a child with a disability, Region 4

Advisory Committee on Adult Education and Literacy

Nominees recommended for appointment:

- Dr. David L. Red, Adult ESOL Coordinator, Fairfax County Public Schools
- Barbara E. Gibson, Associate Director, The Literacy Institute of Virginia, VCU
- Dr. Cynthia Cooper, Director of Alternative and Adult Education, Hampton City Public Schools
- Jacqueline A. Venable, Director of Adult Education, Halifax County Public Schools
- Betty A. Mullins, Classroom Teacher, Tazewell County Public Schools
- Dr. Bonita M. Moore, Director, Office of Adult and Community Education, Fairfax County Public Schools

Career and Technical Education Advisory Committee

Nominees recommended for appointment:

- John C. Barnes, Corporate Vice President, Potomac Supply Corporation, Heathsville, VA
- Tracee B. Carmean, MSM, RN, Vice President, Riverside Health Systems, Yorktown, VA

Virginia Advisory Committee for the Education of the Gifted

Nominees recommended for appointment:

- Dr. Ellen Fithian, Independent Educational Consultant, Poquoson
- Dr. Judith Greathouse, Coordinator of Gifted Programs, Frederick County Public Schools
- Laura Hall, Smyth County School Board
- Tamra Oliver, Consulting Teacher, Montgomery County Public Schools
- Brian Pace, Director, Piedmont Governor's School
- Mary Downing Roberts-Gabay, School Counselor, Richmond City Public Schools
- Diane Sterbuzel, Resource Teacher, Manassas City Public Schools

Virginia Advisory Committee for the Education of the Gifted (cont'd)

- Margaret S. Turley, Middle School Coordinator for Gifted Education, Bedford County Public Schools
- Pamela Ward, Resource Teacher, Arlington County Public Schools
- Judy Williams, President, Virginia Association of the Gifted

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education adopt the list of nominees recommended for appointment to Board of Education advisory committees.

Impact on Resources: The operating expenses and other costs associated with the meetings and functions of the Board of Education's advisory committees are provided through the Department of Education's operating funds. Where applicable, federal funds are provided to support the expenses and the work of an advisory committee.

Timetable for Further Review/Action: Appointees will be notified following their appointment. The appointments will be retroactive to July 1, 2006.

Board of Education Agenda Item

Item: _____ R. _____

Date: _____ 9/27/06 _____

Topic: Annual Report of the State Special Education Advisory Committee

Presenter: Mr. H. Douglas Cox, Assistant Superintendent, Division of Special Education and Student Services, Ms. Anne Fischer, Chair

Origin:

X Topic presented for information only (no board action required)

_____ Board review required by

_____ X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

_____ Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

The State Special Education Advisory Committee (SSEAC) is a federally-mandated panel comprised of individuals with disabilities, teachers, parents, state and local officials, and local administrators. The Individuals with Disabilities Education Act (IDEA) requires that the committee submit an annual report to the state education agency.

Summary of Major Elements:

The report includes (1) an overview of the SSEAC organizational structure, (2) a description of meetings conducted during the 2004-05 year, (3) an overview of issues addressed by the committee during the year, and (4) a list of future issues that the SSEAC will consider.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept the report for consideration and disseminate to the public upon request.

Impact on Resources:

There is no anticipated impact on resources.

Timetable for Further Review/Action:

No further review or action is required unless desired by the Board.

Virginia State Special Education Advisory Committee Annual Report

July 2005 – April 2006

**Presented to the
Virginia Board of Education**

By

Mrs. Anne H. Fischer, Chair

Executive Summary

Virginia State Special Education Advisory Committee

Annual Report July 2005 – April 2006

The committee met in regular session four times during the year, both in and outside of Richmond. At each of the meetings, public/constituency comment was heard and public forums were held to enable the community to provide input to the State Special Education Advisory Committee (SSEAC). Virginia Department of Education (VDOE) staff and representatives from various organizations presented on topics requested by the SSEAC.

Issues Reviewed by the SSEAC and Subcommittees

Major issues addressed by the committee during the year included:

- Teacher licensure and qualifications, including recommendations to make modifications to the proposed teacher licensure requirements, develop programs to increase the number of qualified teachers, and develop and implement flexible and more targeted ways to achieve licensure in special education;
- Alternate and alternative Standard of Learning (SOL) assessments, including results of testing children through these assessments and the impact of access to the general curriculum on assessments;
- Promising and effective practice, training needs and postsecondary transition for students with autism;
- The process VDOE has developed to rewrite Virginia regulations in response to the Individuals with Disabilities Education Act (IDEA 2004) regulations, as well as the state performance plan and procedures to obtain input from constituencies related to state policies and procedures; and
- Consolidation proposals for Virginia's Schools for the Deaf and Blind.

The SSEAC anticipates continued work on these topics and new work on Response to Intervention (RtI); IDEA regulations and VDOE implementation of those regulations; Virginia Standards of Quality (SOQ) issues; staffing and service delivery issues; and postsecondary transition.

Specific Recommendations

The SSEAC made a number of recommendations to VDOE, the State Board of Education (BOE) and to the Advisory Board of Teacher Education and Licensure (ABTEL). These recommendations are as follows:

- The SSEAC recommended that the BOE require local school divisions to provide a policy on restraint and seclusion at the division level and participated in the development of a policy guide for the school divisions.
- The SSEAC recommended to ABTEL that the license of teachers of students with disabilities in the general curriculum be divided into elementary (K-6) and middle/secondary and that coursework be included in each license to meet the "highly qualified" requirements, including a proposal to use the Fundamental Subjects Praxis II tests to meet requirements. In addition, the committee endorsed

the concept of an add-on special education endorsement for teachers already licensed as elementary teachers or content teachers, provided that it is at either the elementary or the middle/secondary level.

- The committee requested that the VDOE communicate with the State Council of Higher Education for Virginia the need to maintain, develop and implement undergraduate special education licensure programs as part of baccalaureate degree programs in Virginia.
- The committee recommended that VDOE develop and implement statewide administrator training and technical assistance support to prepare, retain, and develop knowledge and leadership skills for 1) special education administrators and administrators in supervisory positions in schools division as well as for 2) building level administrators.

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Introduction

The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain a state advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. The statute specifies membership and requires that a majority of members be individuals with disabilities or parents of children with disabilities. Specifically, the statute requires the following:

- “(i) parents of children with disabilities (ages birth through 26);
- (ii) individuals with disabilities;
- (iii) teachers;
- (iv) representatives of institutions of higher education that prepare special education and related services personnel;
- (v) state and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
- (vi) administrators of programs for children with disabilities;
- (vii) representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
- (viii) representatives of private schools and public charter schools;
- (ix) not less than 1 representative of a vocational community, or business organization concerned with the provision of transition services to children with disabilities;
- (x) a representative from the state child welfare agency responsible for foster care; and
- (xi) representatives from the State juvenile and adult corrections agencies.”

In Virginia the panel is known as the State Special Education Advisory Committee (SSEAC). Additional information about the roles and functions of the SSEAC may be found in Appendix A.

Committee Organization

The activities of the Virginia State Special Education Advisory Committee (SSEAC) are governed by the Virginia Board of Education bylaws for all advisory committees. The SSEAC year runs from July 1 to June 30. An executive committee works with the Virginia Department of Education (VDOE) staff in establishing priorities and agenda items. The SSEAC delegates various subcommittees to monitor programmatic issues as well as future items of concern. In the 2005-2006 year, the subcommittees were changed to enhance the effectiveness of the group. The subcommittee structure conforms to the federal requirements of the State Performance Plan, the process of IDEA regulatory changes, and the monitoring of NCLB requirements.

STANDING SUBCOMMITTEES

Executive
Nominating
State Operated Programs (SOP)
Policy & Regulation

ADHOC SUBCOMMITTEES

Data & Reports
Constituency Involvement
Restraint & Seclusion
Autism
Personnel

Staff members are available to each of the subcommittees to provide technical assistance, clarification of Department of Education procedures, and background information.

SSEAC members are assigned to a minimum of one standing and one ad hoc subcommittee to take advantage of each member's expertise, interests, and concerns. A member of the SSEAC executive committee chairs each subcommittee. Subcommittees meet independently and recommend action to the full committee. Such action may take one of several forms: further study, requests for additional information from the VDOE, or referral to the Board of Education by written communication, oral presentation, or public comment. While the Autism Subcommittee continues to study the issues as noted by numerous public comments, the Restraint and Seclusion Subcommittee was removed after the work was completed. The ad hoc committees are defined as follows:

Data and Reports

This subcommittee reviews special education data collected by the VDOE and provides assistance in reporting the data to the public.

Constituency Involvement

This subcommittee addresses ways to involve parents, students, and other constituents in SSEAC activities as well as in local special education training and parental involvement activities.

Autism

This subcommittee addresses issues surrounding special education programs and services for students with autism.

Restraint and Seclusion

This subcommittee, charged with providing leadership in the development of guidelines for the use of restraint and seclusion, completed its work.

Personnel

A new subcommittee was formed to address issues concerning the availability of fully licensed, highly qualified special education teachers and related service providers.

In 2005-2006, the SSEAC developed the Guidelines for Public Comment and Operational Procedures, and the State Special Education Advisory Committee Bylaws. The full committee also participated in a SSEAC membership orientation to revisit mission, duties and responsibilities of committee members, Robert's Rules of Order, subcommittee descriptions, and the Freedom of Information Act for public bodies.

Meetings

The committee meets in regular session four times a year. Subcommittees and the executive committee meet as necessary to fulfill their responsibilities, but every effort is made to allow for subcommittee work during the regular session. All regular meetings are open to the public, and a public comment period is offered at each meeting. In addition, meetings are audio taped to assist with record keeping. Audiotapes are maintained at the state Department of Education in accordance with record keeping policies and procedures.

Due to the success of the enhanced opportunities for parent and community involvement, the committee continued the practice of conducting meetings around the state. The SSEAC met as follows:

1. July 21-22, 2005: Richmond
2. October 6-7, 2005: Fredericksburg
3. January 11-13, 2006: Richmond
4. April 26-28, 2006: Abingdon

With the exception of the January meeting, evening public forums were held for informal exchange of information with committee members. While the attendance was lower than the previous year, the committee members believe that the evening public forums are successful in providing an opportunity for a larger number of Virginia's constituents to meet with the committee. The SSEAC recommended a different formatting of the notification of this event to capture a greater audience among the citizens of the region. Three regional meetings are planned for the 2006-2007 year. The meeting dates and locations are:

1. July 13-14, 2006: Fairfax
2. October 19-20, 2006: Harrisonburg area
3. January 11-12, 2007: Richmond
4. April 19-20, 2007: South Hill area

In addition to the four regular meetings, the SOP subcommittee met May 7, 2006 to review the policies and procedures of the state-operated programs and the Virginia Schools for the Deaf, Blind, and Multi-disabled. Department staff members were available and provided technical support at each meeting.

Public Comments

At each meeting, a public comment period is held. The SSEAC has established a procedure whereby persons who make public comments are provided feedback appropriate to the nature of their concerns. During the 2005 - 2006 year, public comments were made by students, parents of students with disabilities, the Parent Education and Advocacy Training Center (PEATC); the Endependence Center, A Voice for Gap Kids advocacy group, Speech-Language-Hearing Association of Virginia, Disability Law Clinic at the University of Richmond; the Virginia Coalition for Students with Disabilities; and the Virginia Office of Protection and Advocacy. The following issues were presented:

1. inappropriate behavioral interventions (including expulsions and other unduly removal of students for disciplinary reasons);
2. procedural safeguards/regulatory publications: inaccessible literacy level and the need for translation into other languages;
3. development of guidelines for use by speech language pathology assistants
4. diploma options and course credits;
5. inadequate and problematic special education services, (the SSEAC saw an increase in the numbers of public comments concerning students with autism and inadequate delivery of Individualized Education Program (IEP) services);
6. problems with IEP service delivery by contract agencies;
7. increased access to general curriculum with improved achievement;
8. implications of recent court ruling affecting due process;
9. SSEAC involvement in the state regulatory process;
10. lack of access to the general curriculum in the least restrictive environment, and the need for VDOE leadership to address this ongoing systemic problem; and
11. proposed language in the revisions of the SOQ related to the modified standard diploma.

Constituency Reports

Additionally, at each meeting, members provide an update on issues raised by their respective constituencies. During the 2005-2006 year, the following issues were identified through constituency reports:

1. lack of support of effective inclusion and access to the general education curriculum;
2. problems with meaningful participation of general education teachers in IEP meetings;
3. need for parental training on IDEA 2004;
4. need for better transition services;
5. timelines for LEA policy and procedure manuals during regulatory process
6. lack of transition skills upon completion of education;
7. challenges in preparing sped teachers to meet “Highly Qualified” under No Child Left Behind (NCLB) and the IDEA 2004;
8. assistive technology needs and training;
9. problems with discipline policies and practices causing unnecessary loss of educational time;
10. new assessment tools;
11. difficulty achieving racial balance in local advisory committees;
12. private school placements;
13. teacher preparation in higher education;
14. available training and assistance in self-advocacy; and
15. private school providers’ concerns about the challenges of coordinating testing with school divisions.

Issues Addressed by the SSEAC

During 2005-2006 year, the SSEAC continued its role working with the VDOE and monitoring the Virginia State Improvement Grant, State Performance Plan, Virginia Standards of Quality, as well as other VDOE initiatives. The SSEAC meeting agenda included many additional topics related to the educational achievement for students with disabilities. At each meeting, the SSEAC was informed about the status of plans to consolidate the Virginia Schools for the Deaf and Blind.

Teacher Licensure and Qualifications

In 2005 – 2006, the SSEAC endorsed changes in the special education teacher licensure requirements that would lead to the elimination of separate endorsements for mental retardation, learning disabilities, emotional disturbances, and severe disabilities. In considering the issues of the continuing shortages of special education teachers in the Commonwealth of Virginia for the foreseeable future, pending retirements of teachers and special education administrators, the proposed changes to licensure in the areas of ED, LD, MR and SD, and the requirements of NCLB to have teachers highly qualified in content areas, the SSEAC formed an ad hoc committee on Personnel. The subcommittee discussed the challenges in preparing special education teachers, especially those new to the profession, to meet the requirements for “highly qualified” designation under NCLB and IDEA. As a result of those discussions, the Personnel Subcommittee brought several proposals to the full committee related to teacher quality issues. Five of those resolutions were approved by the full committee:

1. The SSEAC recommended to the Advisory Board on Teacher Education and Licensure (ABTEL) that the license of teachers of students with disabilities in the general curriculum be divided into elementary (K-6) and middle/secondary and that coursework be included in each license to meet the “highly qualified” requirements.
2. The SSEAC requested that the VDOE communicate with the State Council of Higher Education for Virginia the need to maintain, develop and implement undergraduate special education licensure programs as part of baccalaureate degree programs in Virginia.
3. At the request of ABTEL, the SSEAC considered the concept of an add-on special education endorsement for teachers already licensed as elementary teachers or content teachers. The committee endorsed the concept provided that it is at either the elementary level or the middle/secondary level. The Personnel Subcommittee will work with the VDOE in developing the details of the requirements.
4. At the request of ABTEL, the SSEAC considered the use of the Fundamental Subjects Praxis II test to meet “highly qualified” requirements. The committee endorsed such a proposal.
5. The SSEAC recommended that VDOE develop and implement statewide administrator training and technical assistance support to prepare, retain, and develop knowledge and leadership skills for 1) special education administrators and administrators in supervisory positions in schools division and 2) building level administrators.

During the year, committee representatives also participated in a Special Education Service Delivery Standards Task Force that prepared broad statements to guide the development of requirements of staffing in revised state regulations, as well as the exploration of new models for fund appropriations. This task force will continue to provide revisions and direction in the forthcoming year.

Students with Autism

Through public comment, open forums, and constituency reports, the committee heard numerous concerns from parents about services for students with autism. Specifically, the committee heard concerns from parents about the lack of effective and appropriate education for their children with autism in their public schools.

The SSEAC appointed a special subcommittee to continue to seek information and opinions on special education services for children with autism and to formulate recommendations for the full committee to consider in preparing its recommendations to the BOE. The subcommittee continued to provide input and received updates on the activities of the Virginia Autism Council and the efforts of the Autism Priority Project in training school staff and parents on effective teaching strategies for students with autism spectrum disorders. The subcommittee continued discussions with the VDOE regarding future needs in this area: research-based appropriate services, earlier treatment, direct instruction, continued and more intensive training in effective teaching strategies (i.e. communication, social behavior, access to general curriculum), teacher incentives, use of assistive technology and the internet, assessment tools, and the development of a best practices handbook on postsecondary transition for students with autism.

Assessment and Accountability for Students with Disabilities

The SSEAC has had ongoing dialogue on various issues related to the inclusion of students with disabilities in Virginia's accountability system. The SSEAC has received updates on the Virginia Grade Level Alternative (VGLA) assessment as well as the revised Virginia Alternative Assessment Program (VAAP). The SSEAC was informed of the extensive trainings throughout the state and given a comprehensive presentation of the VAAP and its curricular design. The SSEAC requested that the Department provide ongoing information regarding pass rates, as well as results of the first year administration of the revised VAAP.

Restraint and Seclusion

After two years of extensive collaboration in preparing a policy guide, the SSEAC presented the document for consideration to the BOE, requesting that the BOE require local school divisions to provide a policy on restraint and seclusion at the division level. Although the committee has finished its work, restraint and seclusion issues will be revisited if comments or concerns are expressed within the public comment framework.

IDEA-2004 and Virginia Regulatory Process

The SSEAC was provided training in the ongoing proposed regulatory process at the federal level as well as the process for revision of state special education regulations with proposed timelines. The SSEAC recommended that the proposed timeline and process be added to the SSEAC page of the website. The committee reviewed the current status of

several litigations involving VDOE. It received information about mediation trainings being presented to Parent Resource Centers (PRCs) statewide. The Policy and Regulations Subcommittee will make recommendations to the SSEAC about new state regulations and the new Procedural Safeguards notice, since the SSEAC is the stakeholder group for the development of these documents.

State Performance Plan

The SSEAC was represented on a large stakeholders group that the VDOE convened for an initial meeting in December 2005. The stakeholder group is responsible for making recommendations for Virginia's first State Performance Plan as required under the 2004 amendments to the IDEA. All committee members will be invited to participate in various workgroups as the VDOE prepares the annual performance report.

Other Issues

Presentations and trainings provided to the SSEAC included: current activities of the Virginia State Improvement Grant, the 2005 Annual State Technology Conference, and Title I programs and the interface with IDEA. At the January meeting, the committee was presented with information on the Response to Intervention (RtI) provision contained in the reauthorization of IDEA. RtI is the practice of providing high-quality instructions and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction, including, for some students, special education. Dr. George Batsche, University of South Florida, conducted a presentation and discussion about policy and implementation issues with regard to RtI.

Secondary Transition

The SSEAC has been presented with information on state priorities for secondary transition and the types of data that are being collected on post graduation activities of students. The SSEAC has also heard numerous parent comments on lack of opportunities to access postsecondary education as well as the need for better preparation of students with disabilities for work and for linking with adult vocational services providers, including the Department of Rehabilitative Services (DRS), the Community Services Boards (CSB) and community college and university opportunities. This has been particularly emphasized for 18-22 year old students.

Future Issues

Listed below are areas which the SSEAC will continue to monitor and advise the Virginia Board of Education and the Department of Education as they continue their work for the families and students of Virginia.

Assessment, Accountability and Academic Achievement of Students with Disabilities

The SSEAC will continue to review the academic achievement of students with disabilities as measured by the Standards of Learning Assessments, including the Virginia Grade Level Alternative assessment (VGLA), the Virginia Substitute Evaluation Program (VSEP), and the Virginia Alternate Assessment Program (VAAP). Of particular relevance will be the

progress that school divisions are making in improving achievement and graduation rates of students with disabilities.

State Performance Plan

Several members of the SSEAC will be part of the stakeholders group involved in the monitoring of the State Performance Plan (SPP) and its dissemination to the public. The data collection regarding suspensions, disproportionality, placement (general education classrooms with appropriate supports, self-contained classes, etc.), and graduation rates will be shared with the SSEAC in response to the numerous concerns and comments presented over the year.

Consolidation of the Two State Schools for the Deaf and the Blind

The SSEAC has received periodic updates concerning the consolidation of the two state schools for the deaf and the blind since the appointment of the task force by the 2003 Virginia General Assembly. The committee will continue to maintain an interest in this initiative and will comment as necessary.

IDEA 2004 and the Virginia Regulatory Process

When the final federal regulations are promulgated, the SSEAC will have an active role in preparing revised Virginia special education regulations and the required procedural safeguards notice to parents. It is anticipated that this process will begin during the fall of 2006.

The SSEAC will be involved in the process of preparing draft regulations for the Board's consideration.

No Child Left Behind and Virginia Standards of Quality

The SSEAC will continue to monitor and make recommendations concerning the impact of the No Child Left Behind legislation, policies and requests for waivers on students with disabilities in Virginia, as well as any revisions of the SOQ.

Response to Intervention

The committee will continue to examine the fundamentals of the Response to Intervention (RtI) practices, as well as more exploration and training with the Instructional Support Team model currently being utilized across the state. Committee members will continue to receive updates from VDOE about the progress of implementing RtI. Further, the SSEAC will be represented on a stakeholder group that the department will appoint to develop a model for Virginia.

Service Delivery and Staffing Standards

The SSEAC will continue to be involved in revisions to the special education service delivery and staffing standards. Guiding principles, which were formulated by the task force, will be used to develop recommendations for: a) revision of the staffing section in the state special education regulations, b) recommendations for guidelines that would be more specific than regulations, and c) new models, if needed, for appropriating the state's share of funds and to examine their feasibility.

Autism

Creating an adequate system of services for students on the autism spectrum is urgently needed. The SSEAC will continue to encourage VDOE to examine and implement options that comprehensively address students' needs and decrease the long term needs for services.

Access to the General Curriculum

The SSEAC has received numerous public comments from parents concerned about their children's access to the general education curriculum in the least restrictive environment. The SSEAC will continue to advise the VDOE of how to meet each child's free appropriate public education (FAPE) entitlement to access to the general curriculum. Comparative data is now available and will be included in the 2007 Annual Performance Report. This data will allow the SSEAC to consult with VDOE to assess the depth and breadth of the issues, and to develop policies and technical assistance that ensure that students with disabilities have access to the general curriculum in the least restrictive environment. These data will be linked to other outcomes such as postsecondary outcomes, assessment results, and graduation and drop out rates.

Adequate Supply of Highly Qualified Special Educators

The SSEAC will continue to monitor issues of 1) administrator, teacher and service provider shortages including those predicted due to impending retirements, 2) development of administrator and undergraduate training programs, and 3) requirements under NCLB for highly qualified teachers.

Secondary Transition

The SSEAC will continue to advise VDOE with regard to analysis of data being collected on school exiters, the review of transition plans for students to determine the scope and effectiveness of transition services to students with disabilities and special projects such as the self determination pilot program, developing information resources across the state via T/TAC Online, online training activities, post graduate program opportunities, and the regional college information programs offered through the Training and Technical Assistance Centers (T/TACs).

Appendix A

Mission and Structure

The State Special Education Advisory Committee (SSEAC) for the Commonwealth of Virginia is organized and functions in accordance with the mandate in the Rules and Regulations for the Administration of the Individuals with Disabilities Education Act (IDEA) and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. The committee's functions include the following:

1. Advise the state education agency (SEA) of unmet needs within the state in the education of children with disabilities;
2. Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;
3. Advise the SEA in developing evaluations and reporting on data to the U.S. Secretary of Education under section 618 of the Act;
4. Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Individuals with Disabilities Act;
5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities;
6. Provide advice on eligible students with disabilities in adult prisons that have been convicted as adults and incarcerated in adult prisons;
7. Review the policies and procedures of state-operated programs, the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton; and
8. Prepare and present an Annual Report to the Virginia Board of Education and the Superintendent of Public Instruction. This report shall be made available to the public.

Appendix B

Membership

The committee is composed of representatives of stakeholder groups as prescribed by IDEA. These individuals have a common interest in meeting the educational needs of children and youth with disabilities throughout the commonwealth. The membership includes:

- eight parents of children with disabilities
- two individuals with disabilities
- a teacher
- a representative of institutions of higher education that prepare special education and related services personnel
- a local superintendent
- a local special education director
- a representative of an organization concerned with transition services
- a representative of other state agencies involved in the financing or delivery of related services to children with disabilities
- a representative of the foster care system
- a representative of a correctional agency
- a representative of private schools and public charter schools

Members are appointed by the Board of Education to a three-year term and are eligible for reappointment for an additional three-year term. Individual citizens and organizations are invited to nominate candidates for appointment to the committee. Terms of membership are staggered to assure continuity. Members are reimbursed for expenses incurred while attending meetings; however, the membership serves without compensation. The committee is staffed by designated personnel from the Department of Education who are knowledgeable in the field of special education. The department also provides technical and clerical assistance to the committee.

Appendix C

Motions

During the 2005-2006 year, the SSEAC made and passed the following motions:

1. that the SSEAC continues with an annual report to the Virginia Board of Education and quarterly supplements, as needed (July, 2005);
2. that all reports from the SSEAC not include individual names of SSEAC members, but do include names of subcommittee members involved in said report (July, 2005);
3. that the Department of Education staff will revise the Draft Operational Procedures and the Public Comment Guidelines for final approval at the April meeting of the SSEAC in keeping with the discussion of both documents (January, 2006);
4. that those individuals appearing before the SSEAC for public comment be provided a handout explaining the policy established by the SSEAC in accepting and responding to those comments presented (January, 2006);
5. that the officers of the SSEAC for the 2006-2007 year be: Chairman- Anne Fischer, Vice-Chairman- Mike Behrmann, Secretary- Stacie Ellis, Members at large- Peter Squire, Carmen Sanchez, and Emily Dreyfus (April, 2006);
6. that the SSEAC adopt the Operating Procedures as amended (April, 2006);
7. that the Virginia Office of Special Education and Student Services (SESS) send public information related to special education students and services to the SSEAC informing them of any changes in wording of regulations, statutes, or standards written by the SESS; any materials presented to the Virginia Board of Education by the SESS; any legislative items originating or supported by the SESS; and any comment or letter of support to the U.S. Department of Education sent by the SESS (January, 2006);
8. that a note be added to preface that the policy (for restraint and seclusion) applies to all students (July, 2005);
9. to change the title to “Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Conditions in the Public Schools of Virginia Focusing on Physical Restraint and Seclusion” (July, 2005);
10. to send the document with a letter (from the SSEAC) requesting that the Board of Education require local school divisions to have a policy on restraint and seclusion (July, 2005);
11. that the SSEAC recommend to ABTEL that the licensure for teachers of students with disabilities in the general curriculum be divided into two licenses-elementary/K6 and middle/secondary, and further include coursework in each license to meet “highly qualified” under No Child Left Behind (October, 2005- Revised January, 2006);
12. to incorporate training and content to meet “highly qualified” under NCLB in the license for teachers of students with disabilities in an adapted curriculum

- (October, 2005- Revised January, 2006);
13. that the VDOE communicate to the State Council of Higher Education for Virginia (SCHEV) the need to maintain, develop, and implement undergraduate special education licensure programs as part of baccalaureate degree programs in Virginia (April, 2006);
 14. that the SSEAC supports the recommendation that the Fundamental Praxis II test be studied to determine how it can meet special education “highly qualified” requirements (April, 2006);
 15. that the VDOE develop and implement statewide administrator training and technical assistance support to prepare, retain, and develop knowledge and leadership skills for 1) special educators and administrators in supervisory positions in school divisions as well as 2) building level administrators (principals and vice principals) (April, 2006);
 16. that the SSEAC supports Standards of Accreditation that reinforce the Commonwealth’s commitment to provide FAPE to all students and support them to reach the highest level of achievement to which they are capable (January, 2006).

PUBLIC HEARING:

Proposed Regulations for Conducting Division-Level Academic Reviews 8VAC 20-700-10 et seq.

The proposed regulations were adopted in draft form at the September 2005 meeting of the Board of Education. The proposed regulations underwent a lengthy executive review process and were published in the *Virginia Register* on July 10, 2006. The publication date initiated the official 60-day comment period.

As a part of the requirements of the Administrative Process Act, the Board of Education will hold the public hearing on the proposed regulations on September 27, 2006. Following the public comment period, all comments will be summarized and submitted to the Board of Education for review prior to the final adoption of the regulations.

Background on the Proposed Regulations:

House Bill 1294, passed by the General Assembly and signed into law on April 15, 2004, gave the Board of Education the authority to require division-level academic reviews in school divisions where findings of school-level academic reviews show that the failure of the schools to reach full accreditation is related to the local school board's failure to meet its responsibilities under the *Standards of Quality*. House Bill 1294 also required, in part:

“That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.”

The Board of Education promulgated emergency regulations as a result of this requirement that expired February 15, 2006. The proposed regulations, which will replace the emergency regulations, do not deviate substantially from the provisions of the emergency regulations. However, as a result of the department's experience with reviews conducted during the 2004-2005 school year, some changes were necessary to the structure of the review section to provide more flexibility to tailor reviews to the perceived needs of school divisions chosen for reviews in the future. In addition, the section detailing division improvement plans and corrective actions has been strengthened to provide more guidance to local school boards in the development of those plans and actions.

Additional information and the text of the proposed regulations are attached.

Guidelines for speakers attending the public hearing:

Speakers will be recognized in the order in which they registered on the sign-up sheet. Each speaker is limited to three minutes.



Proposed Regulation Agency Background Document

| | |
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| Agency name | Virginia Board of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20 - 700 |
| Regulation title | Proposed Regulations for Conducting Division-Level Academic Reviews |
| Action title | Division-Level Academic Reviews |
| Document preparation date | August 24, 2005 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

House Bill 1294, passed by the General Assembly and signed into law on April 15, 2004, gave the Board of Education the authority to require division-level academic reviews in school divisions where findings of school-level academic reviews show that the failure of the schools to reach full accreditation is related to the local school board's failure to meet its responsibilities under the *Standards of Quality*. House Bill 1294 also required, in part:

“That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.”

The Board of Education promulgated emergency regulations as a result of this requirement that will expire February 15, 2006.

The proposed regulations, which will replace the emergency regulations, do not deviate substantially from the provisions of the emergency regulations.

Legal basis

The Code of Virginia, § 22.1-16, vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. Section 22.1-253.13:3 of the Code of Virginia includes the following provision: “When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board of Education an improvement plan, setting forth specific actions and a schedule designed to ensure that schools within its division achieve full accreditation status. Such plans shall be part of the relevant school division's six-year improvement plan pursuant to § [22.1-253.13:6](#).” The legislation effecting this provision also required the Board to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Purpose

The regulation is necessary to protect the health, safety, and welfare of citizens, particularly those of school age. It is essential to provide the structure for the Board of Education and staff of the Department of Education for the orderly conduct of division-level academic reviews in selected school divisions that have underperforming schools or fail to meet the requirements of the Standards of Quality. It outlines the process and procedures for conducting the division-level academic review and for local school boards to submit a corrective action plan to the Board of Education. In addition, it defines some flexibility for options for reviews to be conducted by agencies or organizations other than the Department of Education when appropriate.

Substance

The proposed permanent regulations do not deviate substantially from the emergency regulations. However, as a result of the department’s experience with reviews conducted during the 2004-2005 school year, some changes were necessary to the structure of the review section to provide more flexibility to tailor reviews to the perceived needs of school divisions chosen for reviews in the future. In addition, the section detailing division improvement plans and corrective actions has been strengthened to provide more guidance to local school boards in the development of those plans and actions.

Issues

The Constitution of Virginia requires the Board of Education to provide for the general supervision of the system of free public education in the Commonwealth. The Standards of Quality for public schools (§ 22.1-253.13:1 et seq. of the *Code of Virginia*) set the

minimum requirements for local school boards to maintain a quality educational program in the various school divisions in the state. The proposed regulations provide the Board of Education a mechanism to review the program provided in the school division when there is a probability that a local school board is failing to comply with the Standards of Quality and children are attending underperforming schools. Performance standards for schools are set by the Board of Education in 8 VAC 20-131-10 et seq., *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. These standards and the provision that school boards maintain schools that are fully accredited are also required by the Standards of Quality.

These regulations will provide the Board of Education with the structure to monitor low-performing school divisions as needed and, thus, ensure that children in the Commonwealth are receiving a high-quality education. The Commonwealth as a whole benefits from a better-educated citizenry.

Economic impact

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| Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures | The cost to the state to implement the regulation will vary from year-to-year depending on the number of school divisions identified for review and the size and scope of the review. Funds have been appropriated by the General Assembly for conducting reviews during the 2004-2006 biennium. |
| Projected cost of the regulation on localities | The cost of the regulation to affected entities will vary depending on the need for corrective action on the part of the local school division. |
| Description of the individuals, businesses or other entities likely to be affected by the regulation | The affected entities are local school divisions (boards) and the schools within the divisions selected for review. |
| Agency's best estimate of the number of such entities that will be affected | The number of affected entities will vary from year to year depending on the performance of schools within the various school divisions. |
| Projected cost of the regulation for affected individuals, businesses, or other entities | The cost of the regulation to affected entities will vary depending on the need for corrective action on the part of the local school division. |
| | |

Alternatives

No alternatives were considered, as the agency believes this is the least burdensome or intrusive means of assisting local school divisions to improve the services provided to students and the community at large.

Public comment

There were no comments during the Emergency/NOIRA stage.

Family impact

The proposed regulatory action will impact the institution of the family and family stability in that the reviews conducted as a result of the implementation of the regulation will result in an improved educational program in the division(s) reviewed. This program improvement will benefit the children who attend public schools and provide for a better-educated citizenry that, in turn, will improve the economic status of the family.

Detail of changes

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|--|--|
| 8 VAC 20-700-20 | | <p>The emergency regulation requires that a school division be identified as “in improvement” under federal law to be targeted for review.</p> <p>The emergency regulation also requires a designation of “accredited with warning” under state regulations as a condition of consideration for a division-level review.</p> | <p>The proposed regulation removes this requirement and permits the Board to review the overall status of school divisions instead of only those designated as “in improvement.” Individual schools in the divisions may be underperforming but the division not designated as “in improvement.”</p> <p>The proposed revisions to the Board's accrediting standards for public schools include new ratings that may be awarded schools that are not fully accredited. The proposed language would not restrict the Board from considering school divisions that have low performing schools rated other than “accredited with warning”</p> |
| 8 VAC 20-700-30 | | <p>The emergency regulation spells out all facets of the structure of the academic review.</p> | <p>Some of the detailed structure of the review has been removed. The proposed regulation provides greater flexibility to the Board of Education and Department of Education to construct reviews to meet the perceived need of the school division being reviewed.</p> |

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|------------------------|--|--|--|
| 8 VAC 20-700- 40 | | The emergency regulation requires that the local school board approve the improvement plan before submitting it to the Board of Education and periodically report its actions to the Board of Education. | The proposed regulation will require that the local school board hold a public hearing on the improvement plan prior to submitting it to the Board of Education and to make periodic reports on its actions to the public in addition to submitting reports to the Board of Education. |
|------------------------|--|--|--|

Proposed Regulations for Conducting Division-Level Academic Reviews

8 VAC 20-700-10 et seq.

8VAC20-700-10. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Department” means the Virginia Department of Education.

“Division-level academic review” means the process used to analyze a school division’s systems and practices to determine the degree to which the local school board is meeting its responsibilities under the Standards of Quality.

“External review” means a division-level academic review conducted by an organization or agency at the request of a local school board.

8VAC20-700-20. Criteria for Selection for Review.

The Board of Education shall consider the following criteria in selecting school divisions for division-level academic reviews:

1. The school division’s accountability determination for student achievement, as required in federal law; and
2. The percentage of students attending schools that are not fully accredited in the division exceeds the statewide average; and
3. School academic review findings in the division report the failure of the division’s schools to reach full accreditation is related to the school board’s noncompliance with the Standards of Quality.

8VAC20-700-30. Structure of the Review.

A. All division-level academic reviews shall be conducted in accordance with procedures adopted by the Board of Education, which may include, but not be limited to: on-site reviews; interviews of school division personnel; review and observation of operational practices; and, the analysis of data related to compliance with state and federal laws and regulations.

B. The Department of Education is authorized to contract with organizations or agencies to conduct division-level academic reviews.

C. Reports of the academic review findings shall be given to the division superintendent, the chair of the local school board, and the Board of Education.

8VAC20-700-40. Division Improvement Plans and Corrective Actions.

A. School divisions shall develop division improvement plans, including corrective actions for increasing student achievement and correcting any areas of noncompliance determined through the division-level academic review. The school board shall hold a public hearing on the improvement plan at least 15 days prior to the approval of the plan by the board. These plans shall be approved by the local school board and submitted to the Board of Education for approval within 60 business days of the issuance of the division-level academic review report. Upon Board of Education approval, the division improvement plan and corrective actions shall become part of the school division's divisionwide comprehensive, unified, long-range plan required by the Standards of Quality.

B. The division superintendent and chair of the local school board may request an extension of the due date for the division improvement plan and corrective actions for good cause shown by appearing before the Board of Education to explain the rationale for the request and provide evidence that a delay will not have an adverse impact upon student achievement.

C. The Board of Education shall monitor the implementation of the division improvement plan and corrective actions developed by a school division as part of the division-level academic review process. This plan must include a schedule for reporting the school division's progress toward completion of the corrective actions to the Board of Education and the public. Any school division not implementing corrective actions, not correcting areas of noncompliance, or failing to develop, submit, and implement required plans and status reports shall be required to report its lack of action directly to the Board of Education and the public.

D. Areas of noncompliance that remain uncorrected shall be reported in the Board of Education's *Annual Report to the Governor and General Assembly on the Condition and Needs of Public Schools in Virginia*. The Board of Education may take additional action to seek compliance with school laws pursuant to the relevant provisions of the Code of Virginia.

8VAC20-700-50. External Reviews.

A. The Board of Education may accept a division-level review conducted by an organization or agency upon the request of a local school board if the review meets or exceeds the requirements for reviews conducted by the Department as prescribed in 8VAC20-700-30. Agencies that conduct these reviews must employ individuals whose qualifications meet or exceed those of individuals who serve as Department representatives for the purpose of conducting academic reviews. The Board of Education shall monitor the implementation of any required corrective actions developed by the school division as prescribed in 8VAC20-700-40.

B. Requests for approval of an external review process submitted to the Board must include, at a minimum, the following documentation:

1. A description of the organization or agency that will conduct the review;
2. The scope and dates of the review;
3. Qualifications of the individuals who will conduct the review;
4. Certification from the chairman of the local school board and division superintendent that the review will meet or exceed the requirements for academic reviews adopted by the Board.

C. Upon completion of the external review process, the division superintendent shall submit a copy of the final report provided by the reviewer to the Department of Education within 60 days of receipt of the report, and comply with the required follow-up activities prescribed in 8VAC 20-700-40 including a review of the report in a public meeting of the school board prior to submission.

PUBLIC HEARING:

Proposed Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions 8VAC 20-710-10 et seq.

The proposed regulations were adopted in draft form at the July 2005 meeting of the Board of Education. The proposed regulations underwent a lengthy executive review process and were published in the *Virginia Register* on July 10, 2006. The publication date initiated the official 60-day comment period.

As a part of the requirements of the Administrative Process Act, the Board of Education will hold the public hearing on the proposed regulations on September 27, 2006. Following the public comment period, all comments will be summarized and submitted to the Board of Education for review prior to the final adoption of the regulations.

Background on the Proposed Regulations:

This is a new regulation that is required by the amendment of § 22.1-25 of the Code of Virginia by the 2004 General Assembly. The amendment directs the Board of Education to promulgate regulations providing for a process by which school divisions may submit proposals for consolidation. The new regulation must be promulgated to comply with the terms of the amendment. Section 22.1-25, as amended, stipulates the information and data to be submitted by school divisions in their proposals for consolidation, the criteria that must be considered by the Board of Education in reviewing the proposals and a process for public participation in the process. The proposed regulations also include a section detailing the statutory authority, a definitions section, and additional administration and consolidation process requirements.

Additional information and the text of the proposed regulations are attached.

Guidelines for speakers attending the public hearing:

Speakers will be recognized in the order in which they registered on the sign-up sheet. Each speaker is limited to three minutes.



Proposed Regulation Agency Background Document

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| Agency name | Department of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20 - 710 |
| Regulation title | Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions |
| Action title | Submission of proposed regulations that will govern the proposals for the consolidation of school divisions. |
| Document preparation date | August 2, 2005 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

This is a new regulation that is required by the amendment of § 22.1-25 of the Code of Virginia by the 2004 General Assembly. The amendment directs the Board of Education to promulgate regulations providing for a process by which school divisions may submit proposals for consolidation. The new regulation must be promulgated to comply with the terms of the amendment. Section 22.1-25, as amended, stipulates the information and data to be submitted by school divisions in their proposals for consolidation, the criteria that must be considered by the Board of Education in reviewing the proposals and a process for public participation in the process. The proposed regulations also include a section detailing the statutory authority, a definitions section, and additional administration and consolidation process requirements.

Legal basis

The Code of Virginia, § 22.1-25, requires the Board of Education to promulgate regulations that provide for a process whereby school divisions may submit proposals for the consolidation of such school divisions. This mandate is the result of actions taken by the 2004 General Assembly, Chapter 917, 2004 Acts of Assembly.

Purpose

The purpose of this proposed regulation is to provide a process whereby school divisions may submit proposals for the consolidation of school divisions. The regulatory action is essential because it is required by action taken by the 2004 General Assembly that amended § 22.1-25 of the Code of Virginia to require these regulations. It is intended to address situations where school divisions wish to consolidate.

Substance

This is a new regulation required by § 22.1-25 of the Code of Virginia, as amended by the 2004 General Assembly. The substantive provisions include the required components of school division consolidation proposals, the criteria that the Board of Education must consider in determining appropriate school divisions for consolidation, timelines for required submission of the request for consolidation and notification by the Superintendent of Public Instruction and an opportunity for public comment on the proposed consolidation.

Issues

The proposed regulation action does not pose any disadvantages to the public or the Commonwealth. It is intended to facilitate the consolidation of school divisions at their request. The public is afforded the opportunity to participate in the process and officials of each locality must consent to the consolidation.

Economic impact

The impact on resources of the development and implementation of these regulations is not expected to be significant. However, the regulations are required by § 22.1-25 to provide for an incentive for the consolidation of school divisions by providing for the adjustment of the composite index of local ability to pay, as provided in the appropriation act. If school divisions choose to take advantage of this provision, there would be an increase in general fund costs, and a corresponding decrease in local costs for the applicable school divisions.

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| Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures | <p>The projected cost to implement this regulation cannot be quantified for several reasons.</p> <ul style="list-style-type: none">• The number of divisions choosing to enter into consolidation agreements is not known.• If a division chooses to enter into such agreements, it must meet the criteria outlined in the regulation and have the |
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| | <p>agreement approved by the Board.</p> <ul style="list-style-type: none"> Each division has a unique composite index based upon a number of factors, including Average Daily Membership (ADM), adjusted gross income, and state and local population. Every proposal for consolidation has a different fiscal impact depending upon these factors. <p>Consequently, the fiscal impact of proposed consolidations would be examined on a case-by-case basis. Furthermore, the current Appropriation Act (Chapter 951, 2005 Acts of Assembly) states the following:</p> <p>b.1) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions become one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be paid Standard of Quality payments for all pupils in the combined division on the basis of a composite index determined by the Board of Education, which shall not be less than the lowest nor higher than the highest composite index of any of the individual school divisions involved in such consolidation. In the event of a consolidation of local governments, this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated through the process for computing an index figure for each locality as set forth above. The Governor shall approve the composite index determined by the Board of Education prior to disbursement of funds under such index. The Department shall annually report to the Chairmen of the House Appropriations and Senate Finance Committees the composite indices approved by the Governor and the Board under this provision.</p> <p>The Appropriation Act currently allows for the practice of school division consolidation and for the use of an alternative composite index of local ability-to-pay.</p> <p>Any consolidation proposals approved by the Board and implemented by school divisions would result in a long-term fiscal impact.</p> |
| Projected cost of the regulation on localities | This information cannot be estimated for the purposes noted above. |
| Description of the individuals, businesses | School division consolidations would impact |

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|---|---|
| or other entities likely to be affected by the regulation | students, parents, and the local governing bodies of the respective divisions, as well as local businesses and school board employees. |
| Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | This information cannot be estimated for the purposes noted above. |
| All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. | Projected costs are unknown. However, it is assumed that costs will be incurred related to the development of consolidation proposals and public hearings related to the proposals. |

Alternatives

There are no alternatives to this regulation. It is required by § 22.1-25 of the Code of Virginia, as amended by the 2004 General Assembly.

Public comment

No comments were received.

Family impact

There does not appear to be an impact on the institution of the family and family stability.

Detail of changes

These are new regulations. Most of the provisions are required by § 22.1-25 of the Code of Virginia, as amended by the 2004 General Assembly.

The first section of the regulation, 8 VAC 20-710-10, provides the statutory authority for their promulgation. The second section, 8 VAC 20-710-20, provides definitions. The third section, 8 VAC 20-710-30, provides for the administration of the regulations. This section details consent and notice requirements and the following criteria that the Board of Education is required to consider in determining appropriate school divisions.

- The school-age population of the school division proposed to be divided or consolidated;

- The potential of the proposed school division to facilitate the offering of a comprehensive program for kindergarten through grade 12 at the level of the established standards of quality;
- The potential of the proposed school division to promote efficiency in the use of school facilities and school personnel and economy of operation;
- Anticipated increase or decrease in the number of children of school age in the proposed school division;
- Geographical area and topographical features as they relate to existing or available transportation facilities designed to render reasonable access by pupils to existing or contemplated school facilities; and
- The ability of each existing school division to meet the standards of quality with its own resources and facilities or in cooperation with another school division or divisions if arrangements for such cooperation have been made.

The fourth section of the regulation, 8 VAC 20-710-40, prescribes the consolidation process, including the date by which the proposal must be submitted to the Board of Education, a list of information and data that must be included in each proposal and an opportunity for public comment on the proposed consolidation. The list includes:

- The criteria set forth above;
- Evidence of the cost savings to be realized by the consolidation;
- A plan for the transfer of title to school board property to the resulting combined school board governing the consolidated division;
- Procedures and a schedule for the proposed consolidation, including completion of current division superintendent and school board member terms;
- A plan for proportional school board representation of the localities comprising the new school division, including details regarding the appointment or election processes currently ensuring such representation and other information as may be necessary to evidence compliance with federal and state laws governing voting rights;
- Evidence of local support for the proposed consolidation;
- A plan for maintaining and/or combining schools;
- A plan to continue meeting the standards of accreditation; and
- Documentation that both governing bodies and both school boards consent to the proposed consolidation.

PROPOSED REGULATIONS GOVERNING THE PROCESS FOR SUBMITTING
PROPOSALS TO CONSOLIDATE SCHOOL DIVISIONS

(8 VAC 20-710-10 et seq.)

8 VAC 20-710-10 Statutory authority.

- A. The Constitution of Virginia, Article VIII, Section 5, authorizes the Board of Education to designate school divisions in the Commonwealth of such geographic size and school-age population as will best promote the realization of the standards of quality.
- B. The Code of Virginia, § 22.1-25, requires the Board of Education to promulgate regulations consistent with that section that provide for a process whereby school divisions may submit proposals for the consolidation of school divisions.

8 VAC 20-710-20 Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Board” or “State Board” means the Board of Education.

“Governing body” or “local governing body” means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

“School board” means the school board that governs a school division.

8 VAC 20-710-30 Administration.

- A. The school divisions as they existed on July 1, 1978, shall be and remain the school divisions of the Commonwealth until further action of the Board of Education taken in accordance with the provisions of these regulations and § 22.1-25 of the Code of Virginia.

- B. No school division shall be consolidated without the consent of the school board and the governing body of the county or city affected or, if a town comprises the school division, of the town council.
- C. Notice of any change in the composition of a school division proposed by the Board of Education shall be given by the Superintendent of Public Instruction, on or before January 1 of the year in which the composition of such school division is to be changed, to the clerks of the school board and of the governing body involved and to each member of the General Assembly.
- D. The Board of Education shall consider the following criteria in determining appropriate school divisions:
 - 1. The school-age population of the school division proposed to be divided or consolidated;
 - 2. The potential of the proposed school division to facilitate the offering of a comprehensive program for kindergarten through grade 12 at the level of the established standards of quality;
 - 3. The potential of the proposed school division to promote efficiency in the use of school facilities and school personnel and economy in operation;
 - 4. Anticipated increase or decrease in the number of children of school age in the proposed school division;
 - 5. Geographical area and topographical features as they relate to existing or available transportation facilities designed to render reasonable access by pupils to existing or contemplated school facilities; and
 - 6. The ability of each existing school division to meet the standards of quality with its own resources and facilities or in cooperation with another school division or divisions if arrangements for such cooperation have been made.

8 VAC 20-710-40 Consolidation process.

- A. Local school divisions requesting to be consolidated shall submit a proposal to the Board of Education by September 1 of the year prior to the year they wish to consolidate.
- B. Each proposal for consolidation shall include the following information and data:

1. The criteria set forth in 8 VAC 20-710-20 D.;
2. Evidence of the cost savings to be realized by the consolidation;
3. A plan for the transfer of title to school board property to the resulting combined school board governing the consolidated division;
4. Procedures and a schedule for the proposed consolidation, including completion of current division superintendent and school board member terms;
5. A plan for proportional school board representation of the localities comprising the new school division, including details regarding the appointment or election processes currently ensuring such representation and other information as may be necessary to evidence compliance with federal and state laws governing voting rights;
6. Evidence of local support for the proposed consolidation;
7. A plan for maintaining and/or combining schools;
8. A plan to continue meeting the standards of accreditation; and
9. Documentation that both governing bodies and both school boards consent to the proposed consolidation.

C. Prior to the adoption of any plan to consolidate school divisions, each school division involved in the consolidation shall:

1. Post such plan on the division's Internet website if practicable;
2. Make a hard copy of the plan available for public inspection and copying;
and
3. Conduct at least one public hearing to solicit public comment on the consolidation plan.